

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.996 of 2024

M/S Jai Bajrang Bajaj A partnership firm having its office at Circuit House Road, Pakari, P.S. Nawada, District - Bhojpur, Bihar, duly represented by its Partner Rajesh Ranjan, aged about 39 years, Gender Male, Son of Dhruv Kumar Singh, Resident of Flat No. 202, Block - A, Gangotri Palace, Circuit House Road, Pakari, P.S.-Nawada, District - Bhojpur, Bihar

... .. Petitioner/s

Versus

1. The Bank of India Through its CEO and Managing Director, Head Office, Mumbai, Maharashtra.
2. The CEO and Managing Director, The Bank of India, Head Office, Mumbai, Maharashtra.
3. The Chief General Manager, The Bank of India, Head Office, Mumbai, Maharashtra.
4. The Zonal Manager/ Zonal Head, Zonal Office, Bank of India, Patna, Bihar
5. The Senior Manager, Recovery Department, Zonal Office, Bank of India, Patna, Bihar.
6. The Branch Manager, Arrah Branch, The Bank of India, Arrah, Bhojpur, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Adv.
For the Respondent/s : Mr. Ajit Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

13 11-02-2025

Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

“That the instant petition is being preferred by the Petitioner invoking extraordinary jurisdiction of this Hon’ble Court under A. 226 of Constitution of India for administering conscionable justice EX DEBITO JUSTITIAE with the following reliefs:

i) For issuance of appropriate writ,



order or direction in the nature of Mandamus directing the Respondents for releasing three properties situated at Piro and Bikramganj mentioned at Serial (ii), (iii) and (iv) of the Possession Letter dated 25.01.2023, thereby enabling the Petitioner firm to sell the same for generating funds for making further payment towards One Time Settlement (OTS) scheme dated 08.06.2023 executed between the parties at Rs. 4,96,00,000/- (Rupees Four Crores Ninety Six Lakhs Only).

ii) For issuance of appropriate writ, order or direction in the nature of Mandamus directing the Respondent Bank for granting extension of time for another 120 days from the date of release of the said properties for payment of balance settlement amount in terms of the One Time Settlement (OTS) scheme dated 08.06.2023 executed between the parties.

iii.) For issuance of appropriate writ, order or direction interdicting the Respondents from initiating any coercive and/or other steps for realising the balance payment or from terminating the One Time settlement (OTS) scheme dated 08.06.2023 during the pendency of the instant writ application.

iv.) For grant of such other order or direction for which the petitioner is found entitled to in the facts and circumstances of the case.

v.) for issuance of an appropriate writ, order or direction for setting aside the



decision as contained in the letter dated 12.06.2024 (Annexure – P/9) issued by the Respondent Bank whereby the representation of the Petitioner dated 22.05.2024 was disposed of without releasing the properties situated at Piro and Bikramganj mentioned at Serial (ii), (iii) and (iv) for enabling the Petitioner firm to sell the same for generating funds for making further payment towards One Time Settlement (OTS) scheme dated 08.06.2023.”

3. Though this Court has granted ample opportunity to the petitioner to sell the properties which were mortgaged with the bank and credit the proceeds of the sale to the loan account and also file an appropriate application before the bank authorities for One Time Settlement (OTS), the petitioner has failed to adhere to the same.

4. Having regard to the provisions of the SARFAESI Act more particularly Section 17 of the SARFAESI Act, this Court is not inclined to grant any relief sought for by the petitioner. The petitioner is free to agitate his rights before the Debts Recovery Tribunal, Patna. Petitioner is granted four weeks time to approach the Debts Recovery Tribunal Patna. If any application is filed by the petitioner, the Debts Recovery Tribunal, Patna shall pass necessary orders in accordance with law.



5. With the above directions, the present writ petition
stands disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

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