

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5816 of 2025

M/s Dasrath Manjhi Educational Trust through its Secretary Prakash Singh, male, aged about 29 years, Son of Uday Singh, Resident of village- Mirzapur, P.S.- Risiup, Ward no.- 02, Mirzapur, Kutumba, P.S- Risiup, District- Aurangabad, Bihar, 824123.

... .. Petitioner/s

Versus

1. The Zonal Manager, Punjab National Bank Patna Zone, 2nd Floor, Chanakya Tower, R-Block, Patna- 800001.
2. The Additional General Manager, Punjab National Bank, Abhay Bhawan, 2nd Floor, Frazer Road, Patna- 800001.
3. The Authorized Officer, Punjab National Bank, Circle Sastra Centre, Aurangabad- 818800.
4. The Branch Manager, Punjab National Bank Branch, MG Road, Aurangabad, 824101.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ramakand Sharma, Sr. Adv. Mr. Rajesh Kumar, Adv.
For the Respondent/s	:	Mr. Mritunjay Kumar, Adv.
For the Bank	:	Mr. Prashant Kumar, Adv. Mr. Nishant Kumar, Adv.

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

3 15-04-2025 Sri. Ramakant Sharma, Sr. Adv. appearing on behalf of the petitioner states that the petitioner has participated in the auction conducted by the respondent Bank and being the highest bidder, the sale was knocked in his favour. That as per the terms and conditions of the auction notice, the petitioner was obligated to deposit 25% of the bid amount within a period of 24 hours. That the petitioner had deposited 10% of the bid amount before the auction and he was obligated to deposit only 15% within the stipulated time. However, due to the serious illness of the



mother of the petitioner, he could not deposited the amount within time and seeks the indulgence of the court to give him further period of 15 days to deposit the balance 15 % bid amount and the rest of the bid amount in installments. Learned counsel has stated that the petitioner has given a representation to the bank authorities on the very next day to the authority, however, till date no orders are passed. Learned counsel has, therefore, prayed this Hon'ble Court to grant some more time for depositing the balance 15 % and also the rest of the amount.

2. Per contra, the learned counsel appearing on behalf of the respondents bank has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner has an alternative and efficacious remedy of approaching the Debts Recovery Tribunal under Section 17 of the SARFAESI Act. Learned counsel has stated that the petitioner was well aware of the terms and conditions of the auction and he was obligated to deposit 25 % of the bid amount within 24 hours. Further, learned counsel has stated that as the petitioner failed to deposit the 25 %, the sale has not been confirmed in his favour and, therefore, the question of granting any further time does not arise. Learned counsel has stated that as per Rule 93 of the Security Interest (Enforcement) Rules,



2002 the petitioner is obligated to deposit 25 % of the bid amount within 24 hours. Learned counsel has, therefore, prayed for dismissal of the present writ petition.

3. After giving a considerable thought to the issue involved, this Court is of the opinion that ends of justice would be served if the respondents Bank is directed to consider the representation dated 28.03.2025 made by the petitioner within a period of one week from today and pass necessary orders on the application made by the petitioner seeking extension of the time.

4. With the above directions the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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