

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4069 of 2026

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Nirmal Kumar Chaudhary Son of Shri Bhagwan Chaudhary Resident of
Village- Sariwyan, Post- Shrikhinda, P.S.- Nokha, District- Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State Bank of India through the Chief Manager, SAMB, 5th Floor, Zonal Office, J. C. Road, Anta Ghat, Patna- 800001.
2. The Chief Manager, State Bank of India, SAMB, 5th Floor, Zonal Office, J. C. Road, Anta Ghat, Patna- 800001.
3. The Assistant General Manager, Stressed Assets Recovery Branch, State Bank of India, 2nd Floor, Patna Main Branch Building, Gandhi Maidan (West), Patna- 800001.
4. The Branch Manager, State Bank of India, Sasaram at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Adv. Mr. Aditya Kumar, Adv.
For the Respondent/s	:	Mr. Sanjiv Kumar., Adv.

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-03-2026 Heard learned counsel for the parties.

2. Counsel for the petitioner submits that on 20.02.2026, the public E-auction was directed to be held on 17.03.2026 through e-Bikray Portal- <https://ebkray.in> (baanknet.com) at 12 Noon for recovery of the outstanding total dues of Rs. 5,32,88,695.76 as on 23.11.2017 with further interest from 24.11.2017 plus other accrued interest, charges, other miscellaneous expenses etc. and with a view to seek speedy intervention in the process of publication of e-auction as the same was directed to be conducted without considering the



offer made by the petitioner, the prayer for setting aside the ex-party order dated 26.02.2019 in O.A. Case No. 646 of 2018 was made, by which the Presiding Officer, Debt Recovery Tribunal, Patna has determined the debt with costs as against the petitioner and since the said order has been passed ex-parte, without giving an opportunity of hearing to this petitioner and, looking to the urgency, while the petitioner is cognizant of the fact that there is an appellate forum available to the petitioner, still for enforcing his constitutional right and finding this forum to be efficacious and speedy, the instant writ petition was filed.

3. On the other hand, counsel for the State Bank of India submits the E-auction, which was scheduled to be held on 17.03.2026 at 12 Noon could not be held and the petitioner has a remedy to challenge the order before the Debt Recovery Tribunal under the appropriate provisions of the SARFAESI Act, 2002.

4. At this stage, counsel for the petitioner submits that some protection may be granted to the petitioner to move before the appropriate forum as the order, which has been passed holding the petitioner liable for the amount, in question, can be adjudicated before the alternative forum where the petitioner proposes to take remedy as provided under the law.



5. Considering the submission of the parties, this Court is of the view that since the forum is available and the petitioner intends to take the order to challenge by invoking the provisions of alternative remedy under the Act, the petitioner is directed to take such remedy within a period of three weeks from today.

6. No coercive step shall be taken against the petitioner till the date of first hearing of appropriate application filed before the alternative forum within the time, so allowed.

7. It is expected that once such forum is adopted then, for continuance of the interim order, the appropriate prayer shall be made before the authority, in question.

8. The writ petition stands disposed of.

(Ajit Kumar, J)

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