

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9280 of 2026

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M/s Maiya Ji Cold Storage Pvt. Ltd. having its registered office at Don Basco Road, Digha, Patna, Bihar through its Director Mr. Sunil Kumar Singh, male, aged about 72 yrs. S/o Birendra Kumar Singh, R/o Vill.- Pokharpur, Post and P.S.- Parsa, Block Parsa, District- Saran, Bihar.

... .. Petitioner/s

Versus

1. Authorized Officer, Indian Bank, Zonal Office, Muzaffarpur, Om Shanti Complex, Opp.- Zila School, P.O. Ramna, Muzaffarpur.
2. Chairperson, The Debt Recovery Appellate Tribunal, First Floor, E- 10B Building, BSNL Premises, Patrika Marg, Prayagraj- 211001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar Jha, Adv.
For the Respondent/s : Mr.Sanjay Singh Thakur, Adv.

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

2 30-06-2026 The present writ petition has been filed seeking to vacate the interim order dated 23.03.2026 passed by the Debt Recovery Appellate Tribunal, Allahabad in Appeal Dy. No. 578 of 2026, by which the operation of the order dated 28.01.2026 passed by the Debt Recovery Tribunal, Patna in S.A. No. 108 of 2022 has been kept in abeyance. The matter is listed before the said Debt Recovery Appellate Tribunal, Allahabad on 14.07.2026.

2. Learned counsel appearing on behalf of the petitioner submits that the impugned order passed by the Debt Recovery Appellate Tribunal, Allahabad is contrary to the provisions of the SARFAESI Act as well as the Judgment of the



Hon'ble Supreme Court in *Optiemus Infracom Ltd. v. Ishan Systems Pvt. Ltd. & Another* reported in 2012 (8) SCC 572. Learned counsel, therefore, seeks a direction to vacate the interim order dated 23.03.2026 passed by the Debt Recovery Appellate Tribunal, Allahabad.

3. This Court is of the opinion that the petitioner has an efficacious remedy of filing an application for vacating the interim stay before the Debt Recovery Appellate Tribunal, Allahabad. Since the matter is already listed before the Tribunal on 14.07.2026, the petitioner is at liberty to seek vacating of the interim stay. This Court is not inclined to interfere with the order passed by the Debt Recovery Appellate Tribunal, Allahabad.

4. The present writ petition is disposed of accordingly. The Debt Recovery Appellate Tribunal, Allahabad is directed to pass necessary orders on the vacate application filed by the petitioner if any.

(A. Abhishek Reddy , J)

Bhardwaj/-

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