

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.19046 of 2010

VIJAY PRATAP SINGH, SON OF SHRI RAMA SHANKER SINGH,
RESIDENT OF FLAT NO.13, VANDANA APARTMENT,
PATLIPUTRA PATH, MOHALLA RAJENDRA NAGAR, P.S.
KADAM KUAN, PATNA-800016.....PETITIONER.

Versus

1. THE AUTHORISED OFFICER, STATE BANK OF INDIA
UNDER THE SECURITIZATION AND RECONSTRUCTION OF
FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY
INTEREST ACT, 2002, STRESSED ASSETS MANAGEMENT
BRANCH, KOLKATA NAGALAND HOUSE, 11 & 13
SHAKESPEARE SARANI, KOLKATA-700071.
2. DEPUTY GENERAL MANAGER, STRESSED ASSETS
MANAGEMENT BRANCH, STATE BANK OF INDIA, MAIN
BRANCH, 2ND FLOOR, WEST OF GANDHI MAIDAN, PATNA
800001
3. ASSISTANT GENERAL MANAGER, STRESSED ASSETS
MANAGEMENT BRANCH, STATE BANK OF INDIA, MAIN
BRANCH, 2ND FLOOR, WEST OF GANDHI MAIDAN, PATNA
800001
4. CHIEF MANAGER, STRESSED ASSETS MANAGEMENT
BRANCH, STATE BANK OF INDIA, MAIN BRANCH, 2ND
FLOOR, WEST OF GANDHI MAIDAN, PATNA 800001

.....RESPONDENTS 1ST SET

5. M/S NISHANT HOUSING CONSTRUCTION PVT. LTD. A
COMPANY INCORPORATED UNDER THE COMPANIES ACT,
1956 HAVING IT'S REGISTERED OFFICE AT VIMAN
DARASHAN SAHAR ROAD, ANDHERI EAST, MUMBAI-
400069 AND AT PRESENT M-123, GREATER KAILASH-I,
NEW DELHI, 100048, THROUGH ITS PROPRIETOR AND
DIRECTOR MR. TEJ PRATAP SINGH DHUPIA, SON OF LATE
GURSHARAN SINGH DHUPIA, RESIDENT OF M-123,
GREATER KAILASH-I, NEW DELHI 100048
6. MR. TEJ PRATAP SINGH DHUPIA, SON OF LATE
GURSHARAN SINGH DHUPIA, RESIDENT OF M-123,
GREATER KAILASH-I, NEW DELHI 100048
7. SMT. VERINDER DHUPIA, WIFE OF MR. TEJ PRATAP SINGH
DHUPIA, RESIDENT OF M-123 GREATER KAILASH-I, NEW
DELHI, 100048
8. MR. RAKESH CHAHD MALHOTRA, SON OF NOT KNOWN
TO THE PETITIONER, RESIDENT OF GANGA TOWER, NEAR
LCT GHAT, PATNA DIGHA ROAD, PATNA, BUSINESS
DEVELOPMENT EXECUTIVE OF M/S NISHANT HOUSING
CONSTRUCTION PVT. LTD.....RESPONDENTS 2ND SET
9. MR. AMBRISH WADERA, SON OF LATE SATYA PRAKASH
WADERA, RESIDENT OF HOUSE NO.V-7/17, DLF, PHASE-III,
GURGAWAN, PIN-122002, HARYANA.....RESPONDENT 3RD
SET.

03/ 30.11.2010

Heard learned counsel for the petitioner and learned counsel for respondent no.1- the Authorised Officer, State Bank of India, Kolkata.

2. This writ petition has been filed by the petitioner challenging notice dated 03.10.2010 (Anneuxre-8) issued by respondent no.1 under the provision of section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the Act' for the sake of brevity) with respect to premises in question which was purchased by the petitioner and for other ancillary reliefs.

3. It is stated that an objection was filed by the petitioner which has been disposed of by the authority concerned. In the said circumstances, against the impugned measures taken by the said respondent an appeal is provided under section 17 of the Act.

4. Accordingly, this writ petition is disposed of with a liberty to the petitioner to file statutory appeal before the authority concerned within fifteen days from today along with a copy of this order as well as an interlocutory application for condoning the delay. If such an interlocutory application is filed, the appellate authority shall consider the delay caused due to the pendency of this writ petition and shall decide the appeal on merits in accordance with law expeditiously preferably within a period of two months.

5. If the petitioner requires any interim order, he

may file an interlocutory application before the appellate authority for restraining the respondents from taking any further coercive step against the petitioner or with respect to the property in question pursuant to the impugned notice. The appellate authority shall decide the same immediately in accordance with law and if found necessary, such an order may be passed.

Harish

(S.N. Hussain, J.)

