

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18077 of 2012**

Vijay Kumar Singh S/O Late Raja Ram Prasad Resident Of Mohalla-Nooruddiganj, Malsalami, Patna City, Police Station- Malsalami Patna City, District Patna, Proprietor Of M/S Sumit Kirana Malsalami, Patna City

.... .... Petitioner/s

Versus

1. The State Bank Of India Bikaner And Jaipur Through The Regional Manager 6th Floor, Abhay Bhawan, Frazer Road, Patna-1
2. The Regional Manager State Bank Of Bikaner And Jaipur 6th Floor Abhay Bhawan Frazer Road, Patna-1
3. The Chief Manager, Advance, State Bank Of Bikaner And Jaipur, 6th Floor, Abhay Bhawan, Frazer Road, Patna-1
4. The Branch Manager State Bank Of Bikaner And Jaipur, Patna City (Murufganj), P.S- Compex, House Of S.Malik Singh, Patna City.
5. Anuj Kumar S/O Nawal Kishore Singh At Nurdianganj, Post Madhava Mills, Police Station- Malsalami, Patna City, District- Patna.

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Dwivedy Surendra  
For the Respondent/s : Ms. Nilu Agrawal

**CORAM: HONOURABLE MR. JUSTICE SHAILESH KUMAR SINHA**  
**ORAL ORDER**

8 30-11-2012 Heard learned counsel for the petitioner and Ms. Nilu Agrawal, learned counsel appearing for the respondent-Bank.

The grievance of the petitioner is that notice under sub-section (2) of Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was not served and Bank proceeded in the matter.

On behalf of the Bank, a counter affidavit has been filed and it has been seriously denied and in support of that some documents have been annexed to show that notice under the above section was served.

In view of the aforesaid serious controversy, it is

submitted on behalf of the petitioner that petitioner proposes to take the appropriate remedy available before the Debts Recovery Tribunal at Patna.

In this view of the matter, since the secured assets have been auctioned, however, in view of the order dated 25<sup>th</sup> September, 2012 passed in this writ application the sale has not been confirmed. In case petitioner files an appropriate application before the Debts Recovery Tribunal, Patna alongwith additional application for grant of interim relief within a period of four weeks from today, the interim order dated 25<sup>th</sup> September, 2012 passed by this Court shall continue till disposal of the application of the petitioner before the Tribunal for interim relief. Such application on behalf of the petitioner before the Tribunal shall be filed after serving copy of the same to the Bank as also to Ms. Nilu Agrawal, learned counsel for the Bank. It is expected that the tribunal shall make all endeavour to dispose of the matter expeditiously and petitioner shall cooperate in the proceeding. It is further directed that in case petitioner files such applications within the aforesaid period, the question of limitation shall not come into the way.

The writ application accordingly stands disposed of with the above observations/directions.

Manish/-

**(Shailesh Kumar Sinha, J)**