

ITEM NO.13

Court 4 (Video Conferencing)

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.1730/2022

(Arising out of impugned final judgment and order dated 30-11-2021 in CWJC No.16090/2021 passed by the High Court of Judicature at Patna)

CHANDAN KUMAR

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

(With appln.(s) for and I.R. and IA No.16798/2022-EXEMPTION FROM FILING O.T. and IA No.16796/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-02-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) **Mr. Shivam Singh, Adv.**
 Mr. Abhinav Singh, Adv.
 Mr. Gopal Singh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 Mr Shivam Singh, counsel appearing on behalf of the petitioner submitted that the Division Bench of the High Court by its impugned order granted time for settling the account with the respondent - Bank, and thereafter

proceeded to dispose of the petition with the observation that if the settlement does not fructify, the petitioner would be at liberty to avail of the remedy before the Debt Recovery Tribunal. Counsel submits that the Debt Recovery Tribunal is not functional in the State of Bihar, as a result of which the petitioner has been left without any remedy. The petitioner had offered an amount of Rs 1.41 crores initially towards the OTS which was enhanced to Rs 1.75 crores after the decision of the High Court.

- 2 In the above situation, we direct that the petitioner shall deposit an amount of Rs1 crore with the SBI Stressed Assets Management Branch (Respondent No 5) on or before 14 February 2022 and a further amount of Rs 75 lakhs on or before 14 March 2022.
- 3 Conditional on the petitioner complying with the above directions, there shall be a stay of the e-auction till the next date of listing.
- 4 Issue notice, returnable on 21 March 2022.
- 5 Dasti, in addition, is permitted.
- 6 The first and second respondents may be served through the Standing Counsel for the State of Bihar, in addition.
- 7 List the Special Leave Petition on 21 March 2022.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
COURT MASTER