

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 3566 OF 2012
[@ SLP(C)No.12601.....CC 6273 of 2012]

MAURYA DHAWAJ AGROTECH & SYSTEMS P.LTD

Appellant(s)

VERSUS

UNITED COMMERCIAL BANK AND ORS

Respondent(s)

O R D E R

1. Delay condoned.

2. Leave granted.

3. This appeal is directed against the judgment and order dated 21/10/2011, passed by the Patna High Court in Letters Patent Appeal No.1397/2011.

4. The appeal had been preferred by the respondent-Bank against the order of stay which had been granted by the learned Single Judge on the writ petition filed by the appellant herein, questioning the steps taken by the Bank under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the SARFAESI Act).

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5. While admitting the appeal, the Division Bench vacated the interim order and at the same time directed the learned Single Judge to proceed with the writ petition. A rather anomalous situation has been created as a result of the said order.

6. Accordingly, having heard learned counsel for the parties, we set aside the impugned order passed by the Division Bench of the Patna High Court and direct the learned

Single Judge to hear out the writ petition expeditiously and positively within a period of two months from the date of communication of this order.

7. The appeal is allowed and disposed of accordingly.

8. We make it clear that the stay initially granted, shall continue in the meantime.

9. It should be understood that this order shall not in any way influence the final outcome of the writ petition before the High Court.

.....J.
(ALTAMAS KABIR)

.....J.
(SURINDER SINGH NIJJAR)

NEW DELHI;
April 16, 2012.
C.A.3566/12

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ITEM NO.22 COURT NO.2 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 (Civil)...../2012
CC 6273/2012

(From the judgement and order dated 21/10/2011 in LPA
No.1397/2011,CWJC No.10805/2011 of The HIGH COURT OF PATNA)

MAURYA DHAWAJ AGROTECH & SYSTEMS P.LTD Petitioner(s)

VERSUS

UNITED COMMERCIAL BANK AND ORS Respondent(s)

With I.A.1(C/delay in filing SLP)

Date: 16/04/2012 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)
Mr. Mohit Kumar Shah,AOR.
Mrs. Shilpi Shah, Adv.

For Respondent(s)
Mr. Santosh Paul, Adv.
Ms. Pooja Singh, Adv.
Rlto3

Ms. Arti Singh, Adv.
Ms. Arvind Gupta, Adv.

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

Delay condoned.
Leave granted.

In terms of the signed order, the appeal is allowed and disposed of. The stay initially granted, shall continue in the meantime.

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(Sheetal Dhingra)
COURT MASTER

(Juginder Kaur)
Assistant Registrar

[Signed order is placed on the file]