

Md. Shahjahan Vs Bank Of Baroda

Court: Jharkhand High Court

Date of Decision: Jan. 13, 2025

Hon'ble Judges: Rajesh Shankar, J

Bench: Single Bench

Advocate: A.K. Rashidi, Parth S. A. Swaroop Pati

Final Decision: Dismissed

Judgement

Rajesh Shankar, J

1. The present writ petition has been filed for quashing the order dated 9th February, 2023 passed by the respondent no.4-the General Manager-cum-

Member, Committee of Executives on wilful defaulters as well as for quashing the order dated 21st April, 2023 passed by the respondent no.2. Further

prayer has been made for quashing the order dated 13th April, 2023 passed by the Presiding Officer, Debts Recovery Tribunal, Ranchi in O.A.

No.443 of 2022, whereby I.A. No.239 of 2023 filed by the petitioner for staying proceedings with respect to the wilful defaulter has been disposed

of.

2. Mr. Parth S. A. Swaroop Pati, learned counsel for the respondent-Bank of Baroda raises preliminary objection with respect to maintainability of the

present writ petition on the ground that the petitioner instead of filing the present writ petition should have been preferred a counter claim before Debts

Recovery Tribunal, Ranchi under the provisions of the Recovery of Debts and Bankruptcy Act, 1993 with respect to the pending suit i.e. O.A. No.443

of 2022 preferred by the respondent-Bank of Baroda for recovery of debt from the petitioner.

3. Having heard learned counsel for the parties and considering that the petitioner has efficacious/statutory remedy of ventilating his grievance as

raised in the present writ petition by filing a counter claim in suit i.e. O.A. No.443 of 2022 preferred by the respondent-Bank, which is said to be

pending before the Debts Recovery Tribunal, Ranchi, I am not inclined to entertain the writ petition at this stage and the same is, accordingly,

dismissed as not maintainable.

4. The petitioner is, however, at liberty to prefer a counter claim before the Debts Recovery Tribunal, Ranchi. On preferring such a counter claim, the

Debts Recovery Tribunal, Ranchi shall consider the same in accordance with law.