

आदेश की क्रमांक संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवा के बारे में टिप्पणी, तारीख के साथ।
---------------------------------	--------------------------------	--

1	2 -1-	3
---	----------	---

IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI
Certificate Appeal No.-11 R 15/16-17

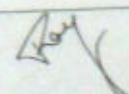
M/s Razi Furniture Industries Appellant
-Versus-
Bank of India, Ashok Nagar Branch Respondent

ORDER

47
28.03.19

Present appeal U/s 60 of the Bihar and Orissa Public Demand Recovery Act, 1914 has been preferred by M/s Razi Furniture Industries, through its proprietor Hasan Razi Son of Hussain Ahamad Azad Resident of Masana Gali, Sarna Toli, Kadru, Behind Jamiya Nagar, P.O. Doranda, P.S. Argora, District Ranchi against the respondent namely Bank of India through the Senior Branch Manager, Ashok Nagar Branch, at Ashok Nagar, P.O. Doranda, P.S. Argora, District Ranchi on being aggrieved by and dissatisfied with the order dated 24.07.2015 and subsequent orders passed by Smt Annie Rinku Kujur, Learned District Certificate Officer, Ranchi in Certificate Case No.-49 (BOI) A/15-16.

The Petitioner preferred WP(C) No.-1977 of 2016 before the Hon'ble High court on being aggrieved by the realization of outstanding debts of Respondent/Bank through certificate proceeding under Bihar & Orissa Public Demand Recovery Act, 1914 with a prayer seeking quashing of certificate case initiated vide Certificate Case No.-49 (BOI) A/15-16 under the Act of 1914 vide notice dated 24th July 2015 claiming recovery of Rs.8,19,703.33 alongwith cost. The Hon'ble High Court vide order dated 03.05.2016 directed the petitioner to pursue his remedy before the appellate court U/s 60 of the Act of 1914 and take all such available grounds of the fact and law and accordingly the petitioner has preferred the instant appeal.



आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवा के बारे में टिप्पणी, तारीख के साथ।
------------------------------	--------------------------------	--

1	2 -3-	3
---	----------	---


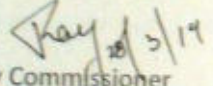
conciliation and settlement, but on the other hand, the bank preferred the impugned proceeding, hence the impugned proceeding initiated below is not maintainable.

Further it is stated on behalf of the appellant that the Learned Certificate Officer has not determined the claim of the bank and has erroneously issued notice U/s 7 of the PDR Act.

On going through the reply submitted on behalf of the respondent, RDDBI Act, 1993 is a Special Act for recovery of dues of bank for amount involving recovery of Rs.10,00,000/- and more and since the appellant executed security document/agreement under Bihar and Orissa Public Demand Recovery Act, 1914 on 24.01.2012 to secured the repayment of the said land, as such the impugned proceeding is well maintainable under the PDR Act and since the appellant has failed to repay the loan, hence the appellant is duly bound to obey the same and paid the outstanding dues to the respondent bank. The outstanding claimed by the Bank by filing the requisite under the PDR Act before the Certificate Officer, who are determination of the same found right and issued certificate against the appellant.

Further according to the respondent, so far encashment of fixed deposit amount is concerned, even after encashment of the same, the appellant is duty bound to pay the outstanding due of Respondent Bank with interest applicable after adjustment of the said amount of fixed deposit. The respondent bank tried its best to settled the matter through conciliation, but the appellant avoided the same and since the appellant has acknowledged and renewed on 15.01.2015 by executing the letter of acknowledgement of debts by borrower as such the proceeding under the PDR Act is well within the time prescribed under the law.

Having heard the appellant and on perusal of material available on record, I find that, the impugned proceeding under

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्यवाही के बारे में निम्नी सारित के साथ।
1	2 -4-	3
	<p>Public Demand Recovery Act is maintainable in view of the fact that the appellant executed security document/agreement under Bihar and Orissa Public Demand Recovery Act, 1914 on 24.01.2012 in order to secure the repayment of the loan taken by him and so far the other claim of the appellant is concerned, I find that, the appellant is bound to repay the outstanding dues of the respondent bank and since the appellant itself has executed the letter of acknowledgement of debts on 15.01.2015 as such the impugned certificate proceeding initiated by the learned courts below is not barred by limitation.</p> <p>For the reasons aforementioned, I do not find merit in this appeal and so this appeal is dismissed and the the order dated 24.07.2015 and subsequent orders passed by Smt Annie Rinku Kujur, Learned District Certificate Officer, Ranchi in Certificate Case No.-49 (BO) A/15-16 is hereby upheld</p> <p style="text-align: right;">  Deputy Commissioner Ranchi </p> <p>Dictated and Corrected</p> <p style="text-align: center;">  Deputy Commissioner Ranchi </p> <p>Memo no 501. (ii) / 11 dated 01-4-19 copy forwarded to dist. certificate officer Ranchi alongwith L.C record no 49 (BO) / 15-16 Bank of India (Ashok Nigam) vs M/S Raggi furniture industries prop. Hussain Raggi) for information and necessary action.</p> <p style="text-align: right;"> by collector 91c 201319 Legal Section Ranchi. </p> <p style="text-align: center;">ec</p>	