



Serial No.06
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 207 of 2018 with
WP(C) No. 281 of 2018

Date of Order: 08.07.2024

Smti Madhu Bajaj
W/o Shri. Banwarilal Bajaj
R/o Polo Hills,
Shillong- 793001,
East Khasi Hills,
Meghalaya.

Vs. 1.Bank of India
A body corporate constituted
under the Banking Companies
(Acquisition and Transfer of
undertakings) Act, 1970, having its
Head Office at Star House, C-5,
G-Block,
Bandra Kurla Complex,
Bandra (East),
Mumbai – 400051.

2.Chief Manager, Bank of India,
Shillong Branch,
Police Bazar (Central),
Post Box N – 96,
Shillong – 793001, Meghalaya.

3.Senior Branch Manager,
Bank of India, Shillong Branch,
Police Bazar (Central),
Post Box N – 96,
Shillong – 793001, Meghalaya.

4.M/s Jumbo Roofing & Tiles Pvt.Ltd.,
A Firm incorporated under the
Registration of Societies Act, 1860.
Having its registered office at ABC,
Tarun Nagar, G.S. Road,
Guwahati – 781005
Kamrup, Assam.



Smti Shewta Bajaj
W/o Shri. Rahul Bajaj
R/o Polo Hills,
Shillong- 793001,
East Khasi Hills,
Meghalaya.

Vs. 1.Bank of India.
A body corporate constituted
under the Banking Companies
(Acquisition and Transfer of
undertakings)Act, 1970, having its
Head Office at Star House, C-5,
G-Block, Bandra Kurla Complex,
Bandra (East),
Mumbai – 400051.

2.Chief Manager, Bank of India,
Shillong Branch,
Police Bazar (Central),
Post Box N – 96,
Shillong – 793001, Meghalaya.

3.Senior Branch Manager,
Bank of India, Shillong Branch,
Police Bazar (Central),
Post Box N – 96,
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A Firm incorporated under the
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Having its registered office at ABC,
Tarun Nagar, G.S. Road,
Guwahati – 781005
Kamrup, Assam.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Thapa, Adv.
For the Respondent(s) : Mr. S. Dutta, Adv. (R: 1 – 3)
Ms. E. G. S. War, Adv. (R: - 4)



ORAL:-

Heard learned Counsels appearing for the parties.

This writ petition has been filed by the petitioner challenging the action of the respondents No.1 – 3 in declaring him wilful defaulter by impugned letter dated 16-04-2018 and also incorporation of his name in the list of defaulters dated 01-05-2018.

It is submitted by the learned Counsels appearing for the parties that the entire loan amount in relation to which this writ petition has been filed, stood liquidated after the settlement was arrived into in this matter and the entire settled amount has been cleared leaving behind no remaining dues.

Mr. S. Thapa, learned Counsel appearing for the petitioner submits that since this entire loan amount stood liquidated, the stamp of defaulter attached to the petitioner shall also stand removed as consequent to the petitioner, the petitioner cannot be regarded as a wilful defaulter anymore.

Mr. S. Dutta, learned Counsel appearing for the respondents No. 1 – 3 does not dispute the submission made on behalf of the petitioner. However, he submits that there is a laid down procedure followed by the banks in case where a party is declared defaulter and subsequently the loan amount is cleared. According to him, a proper procedure for the petitioner to submit a representation to the respondent No.3, who shall, in turn, will take necessary action within a period of 15 days from the date of the filing of the representation.

In view of the submission advanced by the learned Counsels appearing for the parties, this writ petition is disposed of by directing the petitioner to file a representation to the respondent No.3 requesting him to withdraw the notice dated 16-04-2018 and also for striking out of her name from the list of defaulters dated 31-03-2018. The respondent No.3 after receipt of such



representation from the petitioner shall consider and dispose of the same within a period of 15 days. It appears that now there exists no valid and cogent reason for treating the petitioner as defaulter anymore. Hence, this writ petition is disposed of by directing the petitioner in the line of the observation made above.

Needless to say that the petitioners have the liberty to seek judicial redressal in the event if there remains any grievance.

With the above, this writ petition stands disposed of.

Judge