

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7901 of 2009

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M/S Hotel Blue Star, Station Road, Patna through its partner Mr. Shri Shree Narain son of Late Harivansh Narain, resident of Jamal Road Corner, Station Road, P.S. Kotwali, Patna- 800001.

.... Petitioner/s

Versus

1. Bihar State Financial Corporation, Patna Centre Branch, Indira Bhawan, 5th Floor, Patna -800001
 2. The Managing Director, Bihar State Financial Corporation, Frazer Road, Patna
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- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Respondent/s : Mr. Raju Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 15-04-2015

Heard the parties.

2. The grievance of the petitioner in the present writ petition is that, in fact, the entire loan amount and other dues including the interest etc. of the respondent Bihar State Financial Corporation, Patna were already paid long long ago, yet the respondent Corporation is not issuing “no dues certificate” and the security documents furnishing by the petitioner are not being returned/released and in stead, a fresh demand notice dated 27.04.2009 (Annexure-6) has been issued by a functionary of the respondent Corporation.

3. Learned counsel appearing on behalf of the respondents has contested the matter by placing reliance on the averments made in the counter affidavit filed on their behalf. According to him, the entire loan amount and other charges were not paid by the petitioner, therefore, no dues certificate is not being issued to the petitioner and impugned demand notice was issued on 27.04.2009 (Annexure-6).

4. In the factual matrixes of the case, which are apparent from the pleadings of the parties, this Court is of the opinion that the entire matter is required to be re-examined and re-considered by the respondent Managing Director of the Bihar State Financial Corporation, Patna, after giving an opportunity of hearing to one of the partners of the petitioner firm and after looking into the relevant records/documents produced by him as also the relevant records of the respondent Corporation itself.

5. In above view of the matter, one of the partners of Hotel Blue Star, Station Road, Patna is directed to appear before the respondent no.2 within a period of four weeks from today with a certified copy of the present order and with all supporting documents in support of his claims. He shall be at liberty to raise all the pleas, which have been raised in the present writ petition. On his such appearance, the respondent no.2 shall be obliged to consider and decide the claims/grievances of the petitioner, after giving an opportunity of hearing to all concerned including one of the partners of the petitioner firm, by a reasoned and speaking order at an early date preferably within a period of two months from the date of his appearance.

6. If, after giving an opportunity of hearing to one of the partners of the petitioner and on consideration of the materials produced by him as also on consideration of the materials/documents of the respondent Corporation, the respondent no.2 comes to a conclusion that the claims/grievances raised in behalf petitioners are justified or admissible and impugned demand notice is required either to be reviewed or recalled or a fresh demand notice is required to be issued, then consequential orders shall also be issued by the respondent no.2

without any unnecessary further delay for grant of such admissible claims.

7. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and it is left to be decided by the respondent no.2, in the manner indicated above, but strictly in accordance with law.

8. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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