

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3651 of 2011

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Suraj Narain Singh, son of Late Jagdeo Singh, resident of Village- Barkap,
P.O. & P.S.- Darihat, District- Rohtas.

.... Petitioner/s

Versus

1. The Managing Director, Bihar State Financial Corporation, Fraser Road, Patna.
2. The Branch Manager, Bihar State Financial Corporation, Shahabad Branch, G.C. House, Maharaja Hatta, Ara, At- Ara, P.O. & P.S.- Ara, District-Bhojpur.
3. The Manager, I/C Zone-V, Bihar State Financial Corporation, Fraser Road, Patna-1

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.2
Mr. Sharwan Kumar

For the Respondent/s : Mr. Raju Giri
Mr. Santosh Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 24-06-2015 Heard the parties.

The petitioner has filed the present writ petition seeking a direction to the respondents to consider his case for settlement of entire dispute under “ BSFC One Time Settlement Scheme, 2009, which has been brought on record as Annexure-3 to the writ petition.

Learned counsel appearing on behalf of the petitioner submits that under the aforesaid One Time Settlement Scheme, 2009 the petitioner submitted his application, as contained in Annexure-4, before the respondent no.2 within the time prescribed, but that was neither considered nor rejected.

Per contra, learned counsel appearing on behalf of the respondents, by referring to the averments made in the counter Affidavit filed on their behalf, submits that since the petitioner had defaulted in making repayment of loan amount, hence the unit in



question was advertised for sale on 18.10.2008 itself, i.e. prior to coming into force of the aforesaid One Time Settlement Scheme, 2009. Therefore, the case of the petitioner could not have been considered under the aforesaid scheme. It is also pointed out that since the petitioner did not file any application for settlement of dispute under the aforesaid One Time Settlement Scheme, 2009 in the prescribed format, therefore, his application was not acted upon.

After having heard the parties and on going through the materials available on record, this Court finds that there is no dispute that the unit in question was auction sold in favour of one Smt. Rita Kumari by sale order dated 26.08.2009. However, she also defaulted in making payment as per the terms and conditions of sale order, as a result of which sale deed was not executed in her favour and the unit in question was not handed over. In above view of the matter, the aforesaid Smt. Rita Kumari filed C.W.J.C. No. 17053 of 2009 before this Court in which the petitioner, being the original promoter was a party respondent no.4. The aforesaid writ petition was finally disposed of by an order dated 18.11.2014 (Annexure-R/1 to the counter-affidavit filed on behalf of the respondents) by a Bench of this Court with a liberty to aforesaid Smt. Rita Kumari to approach the authority of the respondent Corporation for grant of appropriate relief, which was directed to be considered and decided in accordance with law within a period of four months.

It is common case of the parties that no final decision has been taken by the respondent Corporation in the light of the aforesaid order dated 18.11.2014 passed in C.W.J.C. No. 17053 of 2009 (Annexure-R/1). So far the petitioner is concerned, this

Court is of the considered opinion that no direction can be issued to the respondent Corporation for consideration of his case for settlement of entire dispute under the aforesaid One Time Settlement Scheme, 2009 as the unit in question had already been auction sold prior to the date of commencement of the aforesaid scheme on 17.08.2010 and aforesaid O.T.S. Scheme 2009 is no more in vogue. However, since the matter is under fresh consideration before the respondent Corporation in the light of the order of this Court, referred to above, the petitioner, if so advised, may file an appropriate petition before the respondent Managing Director within a period of one month from today for grant of an appropriate relief. If such a petition is filed by the petitioner, then the same shall be considered and decided in accordance with law, but only after giving an opportunity of hearing to all concerned including the aforesaid Smt. Rita Kumar.

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

(Birendra Prasad Verma, J)

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