IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4874 of 2016

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Kanishk Sinha, Son of Sri Bimal Bihari Sinha, Managing Director, Jasper Motors Private Limited of 98/A Mundar Sah, Akashwani Road, Khajpura, P.O. B. V. College, P.S. Shastri Nagar, Patna-800014, District- Patna Sadar, Bihar.

.... Petitioner/s

Versus

1. The Managing Director cum Chief Executive Officer, Industrial Development Bank of India, IDBI Tower, WTC Complex, Cuffe Parade, Mumbai- 400005.
2. The Chief General Manager, Industrial Development Bank of India, IDBI Tower, WTC Complex, Cuffe Parade, Mumbai-400005.
3. The State of Bihar through Principal Secretary Finance Department Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kanishk Sinha, (in person)
For the Bank	:	Mr. K. K. Sinha & Mr. Sunil Kumar Singh, Advocates
For the State	:	Mr. Sita Ram Yadav, G.P. 16

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 19-12-2016

Heard the petitioner, who has appeared in person and learned counsel for the respondent Industrial Development Bank of India (hereinafter referred to as the 'IDBI').

Pursuant to order dated 15.12.2016, counter affidavit has been filed on behalf of the respondents no. 1 and 2. The petitioner has moved the Court seeking a direction to the respondent IDBI to sanction him loan of Rs. 10,00,000/- (ten lacs) as per the Small and Medium Enterprises Scheme.

It has been stated that the said loan was initially sanctioned to him in April, 2010 but because the original sanction letter was not officially served on him, the same remained uncomplied with and finally the scheme also lapsed. Be that as it may, in the counter affidavit filed today, the following statement has been made at para-18:

> *"(18) That since CGTMSE scheme has been revived in the Bank from April 2016, the petitioner may submit fresh loan application under the said scheme the bank thereafter may consider it on the merit as per the extent rules and norms of the Bank."*

In view of the aforesaid, it appears that the said scheme again being revived by the respondent IDBI and the learned counsel for the respondent IDBI having submitted that if the petitioner applies, the sanction of the loan would be considered in accordance with law, without being prejudiced by the present litigation, on its own merits, the petitioner submitted that he shall approach the IDBI for fresh sanction of loan under the CGTMSE scheme.

Accordingly, the writ petition stands disposed off with liberty to the petitioner to file a fresh application for sanction of loan before the IDBI which shall be considered by them within two months from the date of applying, along with a copy of this order, in accordance with law, without being prejudiced by withdrawal of the present case.

(Ahsanuddin Amanullah, J.)

P. Kumar

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