

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8349 of 2016

Jan Jagaran Trust through its Secretary Mohd. Safdar Imam Having Office in
Village- Mohammadpur (Mianji Tola), P.O.-Teghra, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Director Industry, Khadi Gram Village Industries Commission, Bihar Patna.
4. The Assistant Director Industry, Khadi Gram Village Industries Commission, Bihar, Patna.
5. The District Magistrate, Begusarai.
6. The District Development Commissioner, Begusarai.
7. The General Manager (G.M.) District Industry Centre, Begusarai.
8. The General Manager, Central Bank of India, Mumbai.
9. The Zonal Manager, Central Bank of India, Patna.
10. The Regional Manager, Central Bank of India, Saharsa.
11. The Branch Manager, Central Bank of India, Teghra, Begusarai.
12. The Agriculture Finance Officer, Central Bank of India, Teghra, Begusarai.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen
For the Respondent/s : Mr. Avinash Kumar, S.C.-30
For the Bank : Mr. Ajay Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 11-07-2016

Heard Mr. Kumar Praveen, learned counsel appearing for
the petitioner, learned counsel for the State and Mr. Ajay Kumar
Sinha, learned counsel appearing for the Bank.

The petitioner seeks direction to the authorities of the
Central Bank of India to release the loan applied for by the
petitioner under the Prime Minister Employment Generation
Programme (hereinafter referred to as 'the Programme').

The petitioner is a trust engaged in the social welfare work



and intended to establish a business of manufacturing milk products under 'the Programme' in question and for which the trust applied for a loan vide application present at Annexure-1. The application was acted upon and ultimately vide communication dated 6.1.2016, the Bank informed the petitioner that the loan proposal has been processed subject to fulfillment of the terms and conditions mentioned in the letter, a copy of which is present at Annexure-6. According to the petitioner it accepted the terms and conditions but the loan was yet not disbursed and hence the present writ petition.

While it is the contention of Mr. Kumar Praveen, learned counsel for the petitioner that all formalities stood completed, a counter affidavit has been filed on behalf of the Bank and in reference to the letter dated 6.1.2016 present at Annexure-6 of the writ petition it is the stand of the Bank that the conditions stipulated in the letter dated 6.1.2016 remained unfulfilled. Mr. Ajay Kumar Sinha, learned counsel for the Bank has referred to clause-19 of the loan form present at Annexure-6 dated 6.1.2016 to submit that from amongst the obligations cast on the petitioner, though he submitted the margin money of Rs.49,500 but failed to comply the rest three conditions.

It is further the stand of the learned counsel for the Bank in

reference to another letter dated 23.5.2016 that since the financial year 2015-16 has since lapsed on account of delay attributable to the petitioner, that the loan proposal has since been returned and communicated to the General Manager, District Industry Centre.

The stand taken by the Bank are contested by Mr. Kumar Praveen, learned counsel for the petitioner to submit that the godown was constructed, the project report submitted and the quotation in relation to the machine was also submitted but though such oral submission is being made by Mr. Praveen to contest the stand of the Bank, there is neither any document on record to establish such contention nor the petitioner has chosen to contest the stand taken in the counter affidavit by filing a rejoinder. The laches apparently are attributable to the petitioner and is confirmed from the pleadings on record.

In the circumstances discussed and considering that the financial year 2015-16 has since lapsed, no cause for indulgence is made out and the writ petition is accordingly disposed of.

(Jyoti Saran, J)

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