

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13555 of 2011

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Nutan Kumar Singh Patel son of Panna Lal Singh Patel, Resident of Village -
Pansafwa, P.S.- Beldaur, District - Khagaria

.... Petitioner

Versus

1. The New India Assurance Company Limited, Patna Regional Office, Patna
2. The Regional Chief Managing Director, Housing and Urban Development Corporation Limited, (Government of India Enterprises), Patna having Regional Office, 2nd Floor, Block B-2, Maurya Lok Complex, Dak Bunglow Road, Patna
3. The Managing Director, Hudco Limited, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Anil Kumar Jha, Sr. Advocate
Mr. Shekhar Kumar Singh,
Mr. Pankaj Kumar Jha,
Mr. Raja Surendra Mohan, Advocates
For the Respondents: Mr. Amaresh Kumar Sinha,
Mr. Prashant Kumar
Mr. Nagadeo Choubey, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-02-2016

The present writ petition has been filed for a direction to the respondents to make payment of the remaining amount of sanctioned loan, and for connected reliefs.

2. Mr. Anil Kumar Jha, learned senior counsel for the petitioner, submits that out of the total sanctioned loan of Rs. 250 lakhs, the respondent-Housing and Urban Development Corporation Limited (for short, “the Corporation”) has disbursed only Rs. 230 lakhs leaving an amount of Rs. 20 lakhs outstanding which remains to be disbursed. For want of disbursement of the full amount of the loan, the petitioner has not been able to commence operation of the

business project.

3. Learned counsel for the respondent-Corporation, on the other hand, submits that no further amount remains to be disbursed to the petitioner in view of the automatic curtailment of the loan amount in terms of paragraph 5.2(ii) of the Loan Agreement dated 04.04.2007 entered into between the parties. It is further submitted that the letter dated 13.10.2009 addressed to the petitioner-Company was duly issued with regard to the curtailment of the loan amount which has not been challenged by the petitioner. Moreover, the petitioner has also raised the issue of non-disbursement of Rs. 20 lakhs out of the total sanctioned loan amount in O.A. No. 115 of 2012 which has already been considered by the Debts Recovery Tribunal and final orders passed against which the petitioner had preferred Appeal Sr. No. 405 of 2013 before the Debts Recovery Appellate Tribunal, Allahabad.

4. It is not in dispute that the issue relating to non-disbursement of Rs. 20 lakhs by the respondent-Corporation was raised by the petitioner in O.A. No. 115 of 2012 before the Debts Recovery Tribunal, Patna, which aspect has also been noticed in paragraph 4 of its final order dated 01.11.2012. It is also not in dispute that the said order was made subject matter of Appeal Sr. No. 405 of 2013. It is also not in dispute that the initiation of O.A. No. 115 of

2012 itself was never challenged either before this Court in the present writ petition or before the Appellate Tribunal in any proceedings by the petitioner.

5. In the above view of the matter, this Court is not inclined to enter into the merits of the matter. The writ petition stands dismissed, with the observation that the petitioner will be at liberty to file a representation before the respondent-Corporation for redressal of his grievance. The petitioner consents that any decision by the respondent-Corporation thereon would be final and binding upon him.

(Vikash Jain, J)

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