

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2709 of 2014

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Manoj Kumar son of Late Bachhan Prasad, resident of Mohalla- Narayan Chuan,
Mehandi Bagh, Police Station- Civil Lines, District- Gaya

.... Petitioner

Versus

1. The Managing Director, Bihar State Financial Corporation, Frazer Road, Patna- 800001
2. The Regional Manager, Region- III, Bihar State Financial Corporation, Frazer Road, Patna- 800001
3. The Deputy Manager I/C (Zone-IV), Bihar State Financial Corporation, Frazer Road, Patna- 800001
4. The Branch Manager, Bihar State Financial Corporation, G.B. Road, Near- Zila School, Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate

For the Respondents: Mr. Raj Nandan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-01-2016

The present writ petition has been filed for quashing the Memo No. 235/2-IV, dated 28.10.20013 passed by the Deputy Manager Incharge (Zone-IV), Bihar State Financial Corporation, Frazer Road, Patna, by which the petitioner's representation for settlement of account of *M/s Marigold Food Products Private Limited at Dandi Bagh Road, Gaya* has been rejected, and for connected reliefs.

2. Learned counsel for the petitioner submits that the petitioner, being the son of the deceased borrower, is prepared to settle the outstanding dues of *M/s Marigold Food Products Private Limited* only under the One Time Settlement Scheme, 2009 (for short,

“OTS Scheme 2009”). It is submitted that the authority ought to have considered the offer of the settlement of the dues but the petitioner’s representation has been rejected arbitrarily through the impugned order.

3. Learned counsel for the respondent-Bihar State Financial Corporation appears and opposes the writ petition, pointing out that the petitioner’s representation has rightly been rejected for the reasons enumerated in the impugned order itself.

4. Having heard the parties and on careful consideration of the materials available on record, this Court does not find any merit in the writ petition.

5. The petitioner had claimed parity with similarly situated persons who are said to have been granted relief under the OTS Scheme 2009 even after its expiry, but could not support such plea before the respondent-Corporation with regard to the details of any such claim having been allowed. Even before this Court, the petitioner has not brought the details of any other person who had been granted relief under the OTS Scheme 2009 after expiry of the Scheme.

6. Having regard to the decision of the Division Bench of this Court dated 22.03.2010 passed in LPA No. 277 of 2008 (*Bihar State Financial Corporation and others Vs. Kedar Nath Lohani*) to the

effect, inter alia, that a direction to the Corporation to settle the dues of respondent-writ petitioner in a non-existing OTS scheme on date of passing the impugned order cannot be sustained and that the Court in exercise of power under Article 226 of the Constitution cannot direct the Corporation to do something by way of One Time Settlement which is not permissible in law and that too against non-existing OTS Scheme in vogue, this Court is not inclined to grant any relief. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

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