

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6884 of 2014

Nilesh Kumar, Son of Arun Kumar Pandey, Resident of Village- Radhiya, P.S.- Govindganj, P.O.- Manguraha, District- Motihari (East Champaran)

.... Petitioner

Versus

1. The State of Bihar through the Commissioner, Tirhut Division, Muzaffarpur
2. The Punjab National Bank through Its Chief Manager, Circle Office, Pankaj Market, Saraiganj, District- Muzaffarpur
3. The Chief Manager, Punjab National Bank, Circle Office, Pankaj Market, Saraiganj, District- Muzaffarpur
4. The Branch Manager, Punjab National Bank, Nawada Govindganj Branch, Areraj, District- East Champaran
5. The Certificate officer, Motihari, East Champaran

.... Respondents

Appearance :

For the Petitioner : Mr. Satyavrat Verma, Advocate

For Respondent-Bank: Mr. Kumar Priya Ranjan,
Ms. Gunja, Advocate

For the State : Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-01-2016

The present writ petition has been filed for quashing the order dated 08.02.2014 (Annexure-16), passed by the Respondent No.5 in Certificate Case No. 107/PNB/2011-12, inter alia, directing the petitioner to pay an amount of Rs. 5,67,095 within 15 days, failing which warrant of arrest shall be issued and further for a direction to the Respondents, particularly the Respondent Nos. 2 to 4 to settle the loan amount of the petitioner after waiving the interest on the principal amount in accordance with law.

2. At the very outset, learned counsel for the petitioner submits that the petitioner is willing to enter into negotiation with the

respondent-Bank for amicable settlement of the disputes and clear the outstanding amount as may be finally arrived at in pursuance thereof.

3. Learned counsel for the respondent-Bank has no objection in this regard while, however, pointing out that the dues of the petitioner as on 31.12.2015 stands at Rs. 11,84,360/-.

4. Having regard to the stand of the parties and with consent, the writ petition is disposed of granting liberty to the petitioner to approach the respondent-Bank within a period of two weeks from today for negotiation and settlement of his outstanding dues after making payment of 30% of the amount of Rs. 5,67,095/- being the amount of debt sought to be recovered through the certificate proceedings.

5. It is made clear that this Court has not expressed any opinion with regard to the merits of the matter.

6. In case the petitioner approaches the respondent-Bank within the stipulated time as aforesaid, no coercive action shall be taken by the Certificate Officer in Certificate Case No. 107/PNB/ 2011-12 against the petitioner until the representation of the petitioner is disposed of by the respondent-Bank.

(Vikash Jain, J)

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