

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1648 of 2014

IN

Civil Writ Jurisdiction Case No. 5222 of 2011

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Ajay Kumar Sinha S/o Late Suryadeo Narain Sinha Resident of Village
Bariyaria, P.S. Sangrampur, District East Champaran.

.... Appellant

Versus

1. The National Small Industries Corporation Ltd. through its Managing
Director, C-Block, 142/143, Maurya Lok Complex, Dak Bunglow
Road, Patna-800001.

2. The Branch Manager, the National Small Industries Corporation
Ltd., Nageshwar Colony, Boring Canal Road, Patna.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Dhananjay Kumar, Advocate

For the Respondent/s : Mr. Mukesh Kumar Sinha, Advocate

Mr. Rupak Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 04-01-2016

Heard learned counsel for the appellant, who was
the unsuccessful writ petitioner and learned counsel for the
respondents.

The delay in filing the appeal is condoned.

With consent of the parties, heard the appeal on
merits. We see no reason to interfere with the order of learned
Single Judge.

The writ petitioner/appellant had taken a loan of
Rs. 2.93 lacs for setting up the Small Scale Gur (Jaggery)



Manufacturing Unit. This loan was taken in the year 1992-93. There were hardly any efforts made for repayment. In December, 2003, the National Small Industries Corporation Ltd., which is a Government of India Undertaking, came out with a One Time Settlement (OTS) Scheme. The writ petitioner/appellant being informed, made part payment of the outstanding dues of Rs. 5000/- and expressed his desire to avail the OTS Scheme provided that the interest was waived. In other words, he wanted the OTS Scheme to be re-written for his benefit. Naturally, the respondents could not respond. The writ petition was then filed in the year 2011 to get benefit under the OTS Scheme which stood expired in the month of January, 2004. In other words, the writ petition was filed 7 years after the Scheme expired. No effort to show *bona fide* by payment of the amount, which were legitimately due to the respondents, was made. Noticing the aforesaid, the learned Single Judge dismissed the writ petition.

We may also note that out of Rs. 2,93,000/- which the writ petitioner/appellant took in the year 1992-93, he has not even paid 10% of the capital amount, what to talk of the interest.

In that view of the matter, we are not inclined to

interfere with the order of the learned Single Judge.

This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

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