

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20866 of 2012

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M/S Kajal Steel Industries through Birendra Kumar Sinha son of Devnarayan Prasad, Resident of Singhiya Heeba, P.S. Banjariya, District East Champaran.

.... Petitioner

Versus

1. The Bihar State Financial Corporation through Its Board of Director, Fraser Road, Patna.

2. The Chairman cum Managing Director, Bihar State Financial Corporation, Fraser Road, Patna.

3. The Branch Manager, Bihar State Financial Corporation, Bhawanipur Jirat, Motihari.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dilip Kumar Tondon, Advocate

For the Respondents : Mr. Raj Nandan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-10-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for the following reliefs –

“(i) For issuance of an appropriate writ, order or direction commanding the respondents to make settlement of the liability as per N.P.A. Account i.e. Principal + 10% as on date of default.

(ii) For a direction to accept the proposal of the petitioner under One Time Settlement Scheme, 2009 which has been done by the respondent in similarly situated other defaulters.

(iii) For quashing of the tender notice for sale published in Daily Newspaper ‘Dainik Jagran’ dated 27.09.12 issued by the respondent No. 3 as contained in Annexure-4 which is time bound.

(iv) For any other relief or reliefs for which the petitioner is legally entitled.”

3. Learned counsel for the petitioner fairly accepts that One Time Settlement Scheme, 2009 is no longer available and hence, the second prayer with regard to settlement of the petitioner's dues has now become infructuous. In that view of the matter, such prayer of the petitioner stands dismissed.

4. It is not in dispute that despite tender notice of sale published on 27.09.2012, no third party rights have created and hence there is no immediate grievance of the petitioner in this regard.

5. As regards settlement of outstanding dues of the petitioner, with consent of the parties, the petitioner is granted liberty to file a fresh representation before the Chairman-cum-Managing Director, Bihar State Financial Corporation, Fraser Road, Patna (respondent no. 2) with a proposal for payment of its outstanding dues which may be considered on its own merit without however being prejudiced by the present judgment.

6. The writ petition accordingly stands dismissed with the aforesaid liberty.

(Vikash Jain, J)

B.T/Chandran

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