

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5291 of 2014

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1. Bihar Rubber Industries, Industrial Area, Buxar, through its Proprietor, Deep Chand Das, S/O Late Butmal Ram, resident of Mohalla- Naya Bazar, P.O.- Buxar, P.S. Buxar, Dist.- Buxar

.... Petitioner/s

Versus

1. The Managing Director, Bihar State Financial Corporation, Frazer Road, Patna- 01
2. The Manager, (Co-Ordinator), Bihar State Financial Corporation, Frazer Road, Patna- 01
3. The Deputy Manager (Co-Ordinator), Bihar State Financial Corporation, Frazer Road, Patna- 01
4. The Branch Manager, Bihar State Financial Corporation Sahabad Branch, Ist Floor, G.C. House, Maharaja Hatta, Arrah, Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nil Kamal, Adv.

For the Respondent/s : Mr. Raj Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-03-2016

Heard learned counsel for the petitioner and the respondents.

2. The present writ petition has been filed for quashing the auction sale order vide memo no. 262 dated 11.02.2014 (Annexure-5) and to allow the benefit of the OTS Scheme, 2009 to the petitioner.

3. Learned counsel for the petitioner submits that the petitioner was entitled to the benefit of the OTS Scheme, 2009 but could not file its application thereunder as despite repeated requests the details of the loan account were not made

available. It is stated that as against the principal amount of Rs. 12,20,529.16/-, the respondents had subsequently been asking the petitioner to deposit an aggregate amount to the tune of Rs. 2,97,53,867.33/- said to be outstanding along with interest as on 01.09.2013.

4. Learned counsel for the respondents, on the other hand, opposes the writ petition and submits with reference to para-13 of the counter affidavit that the petitioner had never applied for the OTS Scheme, 2009 with the requisite application money within the prescribed time limit and as such no relief thereunder could be granted to the petitioner.

5. Having heard the parties and on consideration of the materials on record, this Court is of the view that the writ petition is devoid of any merit. If the OTS Scheme, 2009 required filing of an application in the prescribed form together with a deposit of the entire settlement amount, the petitioner has failed to satisfy this Court that he had ever requested for such application form from the respondents. The plea that his request for a statement of accounts in view of the heavy interest charged by the respondents also becomes irrelevant as there does not appear to be any dispute with regard to the principal outstanding amount being Rs. 12,20,529.16/- which is admitted by the parties. The petitioner could easily have calculated the requisite 110% of such principal amount and made payment by

demand draft to be filed along with the application in the prescribed form for availing the OTS Scheme 2009, neither of which was done. The categorical statement in para-13 of the counter affidavit that the petitioner never applied under the OTS Scheme, 2009 has also not been controverted in absence of any rejoinder filed by the petitioner.

6. In the above circumstances, the Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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