

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2526 of 2011**

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1. Saroj Devi widow wife of Late Bijay Kumar Motani  
2. Ankit Kumar Motani, Minor son of Late Bijay Kumar Motani  
3. Ravi Kumar Motani, son of Late Bijay Kumar Motani  
4. Kanchan Kumari Motani daughter of Late Bijay Kumar Motani All the above mentioned legal heirs of the deceased petitioner Bijay Kumar Motani are the resident of Lal Bazar, Bettiah, P.S. Lal Bazar, District- West Champaran, Bihar. At present residing at- No. 1 Kalyan Kutir, Nibaranpur, P.O. Doranda, Ranchi, Jharkhand

.... .... Petitioner/s

Versus

1. Bihar State Financial Corporation, Frazer Road, Patna through its Managing Director.  
2. Managing Director, Bihar State Financial Corporation, Frazer Road, Patna  
3. Deputy Manager, Bihar State Financial Corporation, Frazer Road, Patna  
4. Manager (OTS), Bihar State Financial Corporation, Frazer Road, Patna  
5. Assistant General Manager (Zone-1), Bihar State Financial Corporation, Frazer Road, Patna  
6. Branch Manager, Bihar State Financial Corporation, Motihari, P.O. and P.S. Motihari, District- East Champaran  
7. Paswan Kumar Mittal, son of Late Mohan Lal Mittal, resident of Pushp Bihar Colony, Exhibition Road, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bhubneshwar Prasad, Adv.

For the Respondent/s : Mr. Mukesh Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

9      18-02-2016                      Heard Mr. Bhubneshwar Prasad, learned counsel for the petitioners and Mr. Raju Giri, learned counsel appearing for the Bihar State Financial Corporation.

An absurd prayer has been made in this writ application requiring the authorities of the Corporation to issue form under the One Time Settlement Scheme of 2006 or in the alternative the application form under the One Time Settlement Scheme, 2009.

Such a prayer is made two years after expiry of the two schemes. The history of the petitioner stands discussed in the writ petition and after having lost his contest at all stages right until the Supreme Court yet he makes an effort to find a settlement under the scheme much after the expiry of the scheme in question.

Mr. Raju Giri learned counsel for the petitioner has taken this Court to the various orders passed on the contest so raised by the petitioners in earlier round of litigation, to canvass that none of the demands so raised has found favour for grant of indulgence and even in the present writ petition, the petitioners seek a facility under scheme which have ended long before. Mr. Prasad learned counsel for the petitioners has submitted that the petitioner was an auction purchaser in a proceedings initiated by the Corporation under Section 29 of the State Financial Corporation Act and that have deposited the sale amount of Rs. 3,90,000/- followed by a further sum of Rs. 1,58,000/-. He further submits that since the Corporation is not willing to complete the auction sale hence the money so deposited by the petitioner be refunded at the admissible rate of interest.

Contesting the argument of Mr. Prasad on interest, Mr. Giri has referred to a communication of the Deputy Manager present at Annexure-8 of the writ petition to submit that even

when this petitioner was informed as back as in 2007 that the deposits would not carry any interest, yet he has not bothered to take any refund and for which the petitioner himself would be held liable.

Be that as it may, considering the status of the matter as it stands presently, this Court while not being persuaded to grant indulgence to the prayer made in the writ petition is of the opinion that the deposits so made by the petitioner would merit consideration for refund and which should be refunded to the petitioner in accordance with law preferably within 3 months from the date of receipt/production of a copy of this order. The writ petition is disposed of accordingly.

**(Jyoti Saran, J)**

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