HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.29539 of 2015

ORDER:

The writ prayer reads as follows:

> "…by adding the following prayer to the existing prayer in the writ petition i.e., "and by declaring that the proceedings vide Ref.No.IDBI/RBG/BVRM/2016-17/01/SVRM dated 19.04.2016 issued by the respondent is *exfacie* in violation of the interim order of this Hon'ble court dated 10.09.2015 in WP No.29539 of 2015, *exfacie* illegal, violation of principles of natural justice.

The complaint of petitioner is that against inaction in considering and disposing of the representation dated 19.03.2015 and dated 28.08.2015. This court on 10.09.2015 directed the bank to refer to the ratio of the Hon'ble Supreme Court in '***Sardar Associates and Others vs. Punjab & Sind Bank & others***', reported (2009) 8 SCC 257 and dispose of the representations. The respondent filed counter on 09.06.2016. The standing counsel appearing for the bank fairly states that the respondent ought to have referred to the interim order, the ratio of the Hon'ble Supreme Court in '***Sardar Associates and others vs. Punjab & Sind Bank & others***', while taking decision and communicated the decision to petitioner. This court is not examining the merits of petitioner's case or the objections of the respondent in this behalf. To meet the ends of justice, I am satisfied that the writ petition can be disposed of with the following order.

(a) Having regard to the submission of the learned standing counsel, the communication dated 19.04.2016 is recalled by this order;

(b) The interim order dated 10.09.2015 is made as final order in the writ petition, the respondent is directed to consider the matter in the light of the order dated 10.09.2015 and communicate the decision to the petitioner, within a period of six (6) weeks from today.

The writ petition is, accordingly, ordered as indicated above. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 17.08.2016
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HON'BLE SRI JUSTICE S.V. BHATT

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Writ Petition No.29539 of 2015

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Date: 17.08.2016

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