

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1670 of 2013

IN

Civil Writ Jurisdiction Case No. 10316 of 2011

- =====
1. Atul Sports, Plot No. 5-6 Industrial Area, Fatuha, District- Patna Through Its Proprietor Manhar Krishna
 2. Manhar Krishna, Proprietor, Atul Sports S/O Bal Kishore Sahay L/F Type Flat, Block No. 7, Plot No. 39, Rajendra Nagar, Patna- 800016

.... Appellant/s

Versus

1. The Chairman Bihar State Financial Corporation, Frazer Road, Patna.
2. Branch Manager, Bihar State Financial Corporation Patliputra, East Branch, Patna.
3. Branch Manager, Bihar State Financial Corporation, Industrial Area, Fatuha (Patna)
4. Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhawan, East Gandhi Maidan Through Its Executive Director.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha, Advocate

For the Respondent/s : Mr. Ashish Giri, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-07-2017

Having heard learned counsel for the parties, we do not find any error in the order passed by the learned Writ Court



warranting re-consideration.

However, it is the case of the appellants that the respondent Bihar State Finance Corporation has granted some benefit to various other similarly situated defaulter companies inasmuch as the charge available to the Finance Corporation is being surrendered in favour of respondent No.4, BIADA and that the appellants are willing to give the same offer which is given by BIADA for taking over the charge. It is stated that the claim of the appellants is not being considered.

Learned counsel for the respondents objected to the aforesaid and submitted that the petitioner has been a defaulter for 30 years and, therefore, cannot be granted the similar benefit.

In view of the above, if the appellants want to submit a representation in this regard to the B.S.F.C., the B.S.F.C. by placing it before the Board may take a decision with regard to grant of benefit. Except for the aforesaid liberty to the appellants, no further indulgence is possible. The Corporation may consider the offer of the appellants in accordance with law. We may clarify that we have not expressed any opinion on the merits of the claim and it shall be exclusively for the competent authorities to consider and take a



decision in the matter.

With the aforesaid, this appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
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