

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1349 of 2016

IN

Civil Writ Jurisdiction Case No. 626 of 2014

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Nutan Kumar Singh Patel, Son of Shri Panna Lal Singh Patel, Resident of Village- Pansalwa, P.S.- Beldour, District- Khagaria, At Present Resident At Flat No. 1, M.L.A. Flat, Back Of Museum Road, Police Station- Kotwali, Town And District- Patna

.... Petitioner - Appellant

Versus

1. The Housing & Urban Development Corporation Ltd., 2nd Floor, Block No. B-2, Maurya Lok Complex, Dak Bangalow, Police Station- Kotwali, Town and District- Patna
2. The Regional Manager, Housing & Urban Development Corporation Ltd., 2nd Floor, Block No. B-2, Maurya Lok Complex, Dak Bangalow, Police Station- Kotwali, Town And District- Patna
3. The Regional Chief Officer, Housing & Urban Development Corporation Limited, 2nd Floor, Block No. B-2, Maurya Lok Complex, Dak Bangalow, Police Station- Kotwali, Town And District- Patna
4. The Registrar, Debts Recovery Appellate Tribunal, Near Balson Chauraha, Allahabad, U.P.
5. The Registrar, Debts Recovery Tribunal, State Of Bihar, Lodipur, Opposite Police Line, Patna- 800001
6. The Deputy Manager (Law) Authorized Officer, Housing & Urban Development Corporation Ltd., 2nd Floor, Block No. B-2, Maurya Lok Complex, Dak Bangalow, Police Station- Kotwali, Town And District- Patna

.... Respondent/s

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Appearance:

For the Appellant/s : Mr Arshad Alam and
Mr. Shekhar Kumar Singh, Advocates.

For the Respondents 1, 2 & 3: Mr. Prashant Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 12-12-2017

Heard learned counsel for the appellant and learned
counsel for the respondents Housing & Urban Development
Corporation.

A dishonest kind of appeal has been preferred by the



appellant because the borrower had hoodwinked the Debts Recovery Appellate Tribunal and again has tried to hoodwink the High Court by giving false promise that the borrowed money will be returned provided he is granted certain accommodation. In 2013 the Tribunal gave him a leeway by depositing 50% of the outstanding dues. We are in the year 2017. Not a penny has been returned by the appellant till date. Even today, except for promises nothing is being done in terms of tangible commitment which they are willing to give either before this High Court or before the Bank in question.

We have gone through the impugned order passed by the learned single Judge. The facts being such, the law being such, the borrowings not having been disputed so is the default. There is no occasion left for this Court to interfere and grant further time to the appellant to keep mounting the dues and put the public money at risk.

The Appeal has no merit. It is dismissed.

The Bank is free to proceed against the appellant in accordance with law without further delay now.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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