IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1797 of 2015

IN

Civil Writ Jurisdiction Case No. 978 of 2015

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Harish Chandra Samaiyar, aged about 69 years, son of Late Ram Chandra Prasad resident of Mohalla: Magadh Colony, Road No. 11, Police Station: Magadh Medical College Police Station, District: Gaya. At present residing at 12C, Khanjar Gali, Deewan Mohalla, Police Station: Khajekallan, District: Patna.

.... Petitioner - Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Industries Department, New Secretariat, Patna.
3. The Managing Director, Bihar State Financial Corporation, Bihar State Financial Corporation Building, Fraser Road, Patna.
4. The Director, Industries, Industries Directorate, New Secretariat, Patna.
5. The Branch Manager, Bihar State Financial Corporation, Magadh Branch, Gewal Bigha, District: Gaya. .... Respondents - Respondents

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Appearance:

For the Appellant : Mr. Kumar Dhirendra Pratap Singh, Advocate.
For the State : Mr. Prabhat Ranjan, AC to GP 6.
For the B.S.F.C. : Mr. Ashish Giri, 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: 01-09-2017

Writ Application of the appellant was dismissed by the learned Single Judge on 05.08.2015. The prayer or relief in the Writ Application was to give a direction upon the respondent Bihar State Financial Corporation to allow the present appellant the benefit of the OTS scheme so that the appellant could square up his accounts of the outstanding loan and the demand.

2. The learned Single Judge, however, came to a conclusion that no such direction can be issued in view of the fact that the OTS scheme in question was notified for the year 2009. At that

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point of time, the appellant did not make any application. The 2014 OTS scheme had no applicability to the defaulters like the appellant and, therefore, whatever be the heart-rending stories as to the reason for not applying within the time, the scheme and the effect thereof could not be extended by a judicial order.

3. The reason for dismissal of the Writ Application was because the Court came to an opinion that the 2009 scheme was over years ago, the Writ Application was filed only in the year 2015 and since the said scheme was not an ongoing scheme, the benefit could not be extended to the appellant.

4. Learned counsel for the appellant submits that in case any OTS scheme is again notified by the Corporation he may be permitted to avail of the same.

5. Such a submission is a submission in vacuum. There is no indication that the Corporation has any scheme in mind. If at all any scheme is notified, it will be dependent upon the scheme itself and, therefore, any observation of such kind will be uncalled for at this juncture.

6. Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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