IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5870 of 2017

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Prabhu Nath Singh, Son of Late Lakshuman Singh, Resident of Village + P.O.- Muradabad, P.S.- Sasaram, District- Rohtas (Bihar).

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary Department of Finance, Bihar Patna.
2. The Punjab National Bank through its Field General Manager, Main Branch (Patna) Bihar, Patna.
3. The Field General Manager, Main Branch, Punjab National Bank, Patna, Bihar, Patna.
4. The Assistant General Manager, Punjab National Bank, Circle Head Office, Regal Complex, 3rd Floor, GM Road, Arrah.
5. The Branch Manager, Punjab National Bank Sasaram Branch, Sasaram.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Senior Adv.
Mr. Sanjeev Kumar, Adv.
For the Punjab National Bank: Mr. Kumar Priya Ranja, Adv.
For the State : Mr. Anil Kumar Singh, G.P.-26

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-05-2017

Heard learned counsel appearing for the respective parties.

2. In this case, the petitioner has sought relief for enhancement of limit of his Current Account from Rs.90,000,00/- to Rs.1,80,000,00/-.

3. In the finance matter, generally the Court cannot straightway give direction for enhancement of cash credit limit and grant loan, which is dependent on several factors as well as it is completely within the domain of the Bank. While granting loan, the Bank authorities are obliged to assess fair chance of return of loan amount for that it is required to examine capacity of proposed loanee, the value and status of collateral and past history of customer.

4. Learned counsel for the petitioner submits that the petitioner has already given collateral of Rs.4,00,000,00/-, so there is no hurdle in enhancing the limit of Current Account, but learned counsel for the Bank has pointed out the past conduct of the petitioner is not fair, which has been recorded by the Bank in letter dated 28.03.2017 (Annexure-6 to the Interlocutory Application).

5. It has been submitted by learned counsel for the Bank that the amount which was given to the petitioner has been invested in an other subject and the stock which was required to be maintained in the store was not found there.

6. Let the petitioner approach the Bank authority for redressal of his grievance. If he does so, the Bank authority shall take decision in accordance with law.

7. So far as the Interlocutory Application No. 3928 of 2017 filed by the petitioner, challenging the proceeding of SARFAESI Act, is concerned, it is a different cause of action, which has arisen in different transaction, so the same is not required to be gone into the present proceeding. However, the petitioner, if so like, may challenge the proceeding of SARFAESI Act in a separate proceeding.

8. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	24.05.2017
Transmission Date	N/A.