

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20562 of 2016

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1. Hari Shankar Singh, Son of Late Ram Subhag Singh.
 2. Smt. Rubby Singh, W/o Shri Hari Shankar Singh. Both Resident of Village and Post Mohammadpur, Police Station- Garkha, District- Saran.

.... Petitioners

Versus

1. Union Bank of India (A Body Corporate Constituted Under Banking Companies, Acquisition and Transfer of Undertaking Act, 1970) having its Head office at Union Bank Bhawan Opposite Vidhan Bhavan, 239 Vidhan Bhavan Marg, Nariman Point, Mumbai, India- 400021.
2. The Zonal Manager, Union Bank of India, 53, Abhay Bhavan, Frazer Road, Patna, Bihar 800001.
3. The Regional Manager, Union Bank of India, Regional Office Samastipur, Panchawati Complex, Mohanpur Road, Samastipur, Pin- 848101.
4. The Authorised Officer, Union Bank of India, Regional Office, Samastipur, Panchwati Complex, Mohanpur Road, Samastipur, Pin -848101.
5. The Branch Manager, Union Bank of India Chapra Branch, Srinandan Path, Salempur, Chapra (Saran).
6. The State of Bihar through the Deputy Director Industry Department, Patna, Bihar.
7. The Regional Manager, Reserve Bank of India, Gandhi Maidan, Patna.
8. The Asst. Manager, R.B.I. Gandhi Maidan, Patna.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Pramod Ban Bihari Singh. Adv.
For the State : Mr. Kinkar Kumar, S.C-9
Mr. Yogesh Kumar, A.C. to S.C.-9
For the R.B.I. : Mr. Kaushal Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-03-2017

Heard learned counsel appearing for the respective parties.



2. In this case, the petitioners are claiming subsidy with regard to loan amount which has been given to the petitioners for construction of the cold storage.

3. The petitioner is an agriculturist having substantial volume of the land wanted to construct and run the cold storage, for that, he has applied for the loan to the Union Bank of India, Chapra Branch. In pursuance thereof, the Bank has granted Rs.2,51,67,000/- and Working Capital has also been given Rs.85,00,000/-, in total Rs.3,36,67,000/- was given to the petitioner.

4. The cold storage and machines have been hypothecated to the Bank as security assets and also created simple mortgage Bond of the land, measuring 1 Bigh 6 khata over which the cold storage was constructed. The petitioner has also created registered mortgage of the land and building measuring 17 Bigh 17 Khata and 14 Dhur against the aforesaid loan amount. After completion of all the formalities, the petitioner started constructing the cold storage, started getting equipment for running its business and the same has been completed in the year 2011 and started running on trial basis. The petitioner started running cold storage on commercial basis from the year 2012 and stored potatoes worth 20,850/- and started paying the loan amount



in terms of the agreement.

5. The basic thrust of the argument of the petitioners is that the Government has framed a Policy for granting the subsidy in the matter of construction of cold storage under the Mukhya Mantri Bagwani Mission. Under that scheme they are entitled to get the subsidy of Rs.1.25 crore. The petitioners have filed an application before the respondent No.5, Branch Manager, Union Bank of India, Chapra Branch to grant the subsidy under the scheme of the State Government. The Bank has forwarded the application to the District Horticulture Officer, Chapra.

6. Let the Deputy Director, Industry Department, Patna, Bihar consider the case of the petitioner and take appropriate decision in accordance with law. For convenience, the petitioner is directed to file a separate application annexing the copy of this order before the Deputy Director, Industry Department, within three weeks from today. If such an application is filed, the Deputy Director, Industry Department, will be obliged to examine the case of the petitioner and if it is found that the petitioner falls under the aforesaid scheme and is entitled to the benefit of subsidy, then the same will be granted to the petitioner in terms of that scheme. The entire exercise will be completed by the authority concerned within



a period of four months from the date of filing of application by the petitioner.

7. 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	07.03.2017
Transmission Date	N/A.

