

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2930 of 2014

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M/S Lakshmi Electro Procelain Works, Prop. Jitendra Prasad Singh Son of Shri Janardan Prasad Singh Resident Of Village At Mungao Via Dumraon, District - Buxar And At Present Office In Industrial Area, P.S. Buxar (Ind.) District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar through Industrial Development Commissioner, Industry Department, Patna
2. The Area Incharge, Industrial Area, P.S. Buxar (Ind) District - Buxar
3. The Managing Director, Bihar Industrial Area Development Authority, East Gandhi Maidan, Ist Floor, Udyog Bhawan, Patna
4. The Managing Director, Bihar State Financial Corporation, Fraser Road, Patna
5. The Branch Manager, Ist Floor, G.C. House, Maharaja Hatta, Ara, District - Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. RAJIV ROY

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-11-2018

The present writ petition has been filed for a direction to the respondent no. 4 to accept the order/decision of the respondent Committee bearing HO No. 2185 dated 16.03.2011 contained in Annexure-1 in favour of the petitioner which is going to allow to others for payment of dues of principle amount with 10% interest; and for connected reliefs.

2. As none appeared on behalf of the petitioner the matter was passed over for a few cases. However, on repeat call the petitioner



was again not represented.

3. Learned counsel for the respondent-BSFC submits that the claim of the petitioner for extending the benefit of OTS Scheme-2009 is not tenable in view of the averments contained in the writ petition itself. It is evident from the letter dated 23.08.2010 issued by the BSFC to the petitioner (Annexure-2) that the petitioner consistently failed to avail of the OTS Schemes, the petitioner was once again invited to participate in the OTS Scheme-2009. It is further pointed out from the petitioner's letter dated 30.12.2013 that the petitioner admittedly did not avail of the OTS Scheme and hence no relief can be granted to the petitioner.

4. Having heard learned counsel for the respondents-BSFC and on consideration of the materials on record, this Court finds the writ petition to be devoid of merit. It is well settled that in absence of OTS Scheme, no direction can be given to extend the date for application under the Scheme. In this regard reference may be made to paragraph 18 of the order dated 22.03.2010 by a Division Bench of this Court in LPA No. 277 of 2008 (Bihar State Financial Corporation and Ors. vs. Kedar Nath Lohani) wherein it was held as follows –

“.....This Court in exercise of power under Article 226 of the Constitution cannot direct the Corporation to do something by way of One Time Settlement which is not permissible in law and that too against non-



existing OTS Scheme in vogue.”

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.11.2018
Transmission Date	NA

