

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17507 of 2013

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M/S Pawan Aluminium Works Of Manoj Kumar Singh S/O Late Dadan Singh
Proprietor, Industrial Area, Buxar, P.S.- Buxar (Industry), District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar, through Commissioner, Industry Department, Patna
2. The Managing Director, Bihar Industrial Area Development Authority,
Poorvi Gandhi Maidan, Patna- 1
3. The Principal Secretary, Industry Department Cum Chairman, Bihar State
Financial Corporation, Patna
4. The Managing Director, Bihar State Financial Corporation, Frazor Road,
Patna
5. The Branch Manager, Bihar State Financial Corporation, Frazor Road, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Nil Kamal, Adv
For the State : Dr. Kamaldeo Sharma, AC to GA 11
For the BSFC : Mr. Raj Nandan Prasad, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-10-2018

The present writ petition has been filed for a direction to the respondents to grant the benefit of the OTS Scheme-2009 and accept the principal amount along with 10% interest for clearing the dues.

2. It is submitted that the father of the petitioner (promoter) had filed a petition under the OTS Scheme-2009 upon learning about the Scheme, which was however filed admittedly on 30.11.2010 after the stipulated period expired on 15.11.2010.

3. Learned counsel for the respondent-BSFC opposes the writ petition submitting that admittedly the application for OTS Scheme-2009 was filed about a fortnight after the expiry of the stipulated period and the same was not fit to be entertained.



4. Having heard the parties and on consideration of the materials on record, this Court finds the writ petition to be devoid of merit. In paragraph 18 of its order dated 22.03.2010 a Division Bench of this Court in LPA No. 277 of 2008 (Bihar State Financial Corporation and Ors. vs. Kedar Nath Lohani) has 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. It is not in dispute that by the time the application was filed on 30.11.2010 the date for filing the application had already expired on 15.11.2010. Learned counsel for the petitioner has not been able to show that there was any provision in the OTS Scheme-2009 to accept belated applications for consideration.

6. The writ petition accordingly stands dismissed.

7. I.A. No. 7096 of 2013 also stands disposed of.

(Vikash Jain, J)

Chandran

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

