IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12452 of 2013

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Ratan Lal Prasad, son of Ram Lakhan Pd. Jaiswal, resident of Village - Kateya Bazar, P.S. Kateya, District - Gopalganj

.... Petitioner

Versus

1. The Gopalganj Central Co-Operative Bank Ltd. Gopalganj, through its Branch Manager
2. The Branch Manager, Central Co - Operative Bank Ltd., District - Gopalganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Saroj Kumar, Advocate.

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-08-2018

The present writ petition has been filed for the following reliefs –

"(i) For issuance of an appropriate writ, order, direction that the letter dated 17.05.2013 issued by respondent Bank in favour of the petitioner by which request has been made to deposit Rs. 5,74,626/- in Cash Credit Loan A/C No. 9 even after adjustment of amount of fixed deposit of Rs. 4,00,000/- along with its interest which is excessive as per the calculation of the petitioner.

(ii) For issuance of an appropriate writ, order, direction to the respondent Bank to calculate the interest on the fixed deposit of petitioner which was in security of the C.C. Account No. 9 and also to calculate the C.C. Loan A/C No. 9 in presence of petitioner or his agent.

(iii) For issuance of an appropriate writ, order, direction

not to take any coercive step against petitioner for realization of the cash credit loan amount of C.C. No. 9 until and unless it is calculated in accordance with law.

(iv) For issuance of an appropriate writ, order, direction to the respondent Bank to fix an easy instalment for repayment of rest amount of C.C. No. 9 after calculation as prayed above."

2. Learned counsel for the petitioner submits that even after adjustment of fixed deposit of Rs. 4,00,000/- with interest thereof, the respondent Bank has arbitrarily raised further demand for deposit of Rs. 5,74,626/- in Cash Credit Loan Account No. 9. It is also submitted that the Bank has not been calculating proper interest as the same appears excessive. A legal notice dated 22.02.2013 (Annexure-1) has also been sent to the respondent Bank but to no effect. It is submitted that the petitioner is interested in liquidating the outstanding dues of the Bank on grant of suitable instalments.

3. None appears on behalf of the Bank when the matter is called.

4. Having regard to the nature of the grievance of the petitioner, I am of the view that the ends of justice will be met if the respondent Bank is directed to furnish the detailed statement of account and the calculation of interest in the Cash Credit Account of the petitioner up-to-date. Such statement should be granted to the

petitioner within a period of two weeks from the date of receipt/production of a copy of this judgment. The petitioner shall be at liberty to represent to the Bank for grant of instalments for liquidating the outstanding amount in the Cash Credit Loan Account which may be considered and disposed of in accordance with law.

5. The writ petition stands disposed of with the aforesaid observations and directions.

6. I.A. No. 619 of 2014 has been filed for seeking interim stay against coercive action by the Bank also stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.08.2018
Transmission Date	N.A.