IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9080 of 2019

==

M/s Shree Maheshwari Distributors R.B Lane, Forbesganj District-Araria, Through its Partners Neha Kumari (Female), aged about 26 years, Wife of Sri Gautam and Gautam son of Sunil Kumar Singh, resident of Hanuman Nagar, Behind S.P. Kothi, Purnea, P.S.-Purnea, District-Purnea.... ... Petitioner

Versus

1. The Managing Director UCO Bank Head Office, 10 BTM Sarani, Kolkata, 700001 West Bengal.
2. The Zonal Manager, UCO Bank, Zonal Office, Sona Jageshwar Complex, Traffic Chowk, Begusarai-8511101.
3. The Branch Manager UCO Bank, Library Road Fobesganj, PIN 854318, District-Araria.
4. The Lead District Manager (LDM), State Bank of India Araria.

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Advocate
		Mr. Rajesh Kumar Sinha, Advocate
For the UCO Bank	:	Mr. Ranjeet Kumar Pandey, Advocate
For the SBI	:	Mr. Abbash Haider, Advocate

==

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 22-10-2019 Heard learned counsel for the petitioner and learned counsel for the Bank.

The petitioner in this case is aggrieved by and dissatisfied with the order as contained in Annexure '11' issued under the signature of General Manager of the UCO Bank Forbeshganj, District Araria by which the representation preferred by the petitioner has been rejected on the grounds which are as follows:

> "(a) Credit facility has been availed from bank's Forbesganj Branch by both the partners of Shree Maheshwari Distributors in their capacity as proprietor of M/s Shreya Sales and M/s Maheshwari Distributors.
> (b) The transactions in the existing Cash credit accounts of both the above firms are not satisfactory and not as per bank's guidelines. In

> the account of M/s Shreya sales, the borrower is regularly transferring amount from M/s Shreya Sales account to the account of M/s Maheshwari Distributors which is showing that the firm is not performing genuine sales and purchase transactions.
> (c) As per the CIBIL report of both the partners bearing control no. 2592829808 and no. 2512304056 dated 01/09/2018, the existing accounts are showing overdue.
> (d) In the account of M/s Shreya Sales, the transactions are not satisfactory. As per the statement of the account the total credits in FY 2017-18 is about Rs. 3.52 lakh only against limit of Rs. 10.00 lakh, which is not satisfactory.
> (e) In the account of M/s Maheshwari Distributors, the transactions are not satisfactory. As per the statement of the account, the total credit in the account from 01/04/2018 to 31/10/2018 is only Rs. 9.72 lakh against a limit of Rs. 29.70 lakh, which is not satisfactory."

In course of arguments learned counsel for the petitioner has drawn attention of this Court towards the statements made in the writ application particularly the statement made in paragraph '17' of the writ application wherein the petitioner has given some sort of explanation as to why and for what reason the transactions in the previous account were not up to mark.

Learned counsel for the Bank submits that while taking the decision as to whether or not financial assistance be provided to the petitioner, the authorities of the Bank had taken into consideration the basis of unsatisfactory past experience and those have been detailed out in the impugned order. Under the circumstances, siting under Article 226 of the Constitution of India, this Court need not impose its own decision on the satisfaction of the authorities of the Bank when it comes to a decision to be taken in financial matters unless the decision is found to be perverse.

Having heard learned counsel for the petitioner and learned counsel for the Bank as also upon going through the reasons shown in the impugned order, this Court is of the considered opinion that the authorities of the Bank have taken a decision based on their certain past experience with the transactions done by the petitioner in some other accounts including in the account of this firm. The petitioner has not denied that there was no default in the account rather the petitioner has come out with certain explanations as to why the said default had taken place.

In the opinion of this Court, sitting under Article 226 of the Constitution of India, it is not for this Court to go through the defence of the petitioner and take a view thereon when the financial experts such as the authorities of the Bank have considered the past transactions and based on that they have taken a decision. Such decision in financial matters are not to be interfered on mere asking.

The application is thus dismissed.

(Rajeev Ranjan Prasad, J)

Avin/
S. Katyayan/-

U			