IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1054 of 2019

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M/s Shree Maheshwari Distributor, At R.B.Lane P.O.+ P.S.- Forbesganj, District-Araria, Pin Code-854318, through it's Proprietors, Neha Kumari, aged about 22 years, son 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/s

Versus

1.The Managing Director, U C O 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, ZIP:854318, District-Araria.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Rajesh Kumar Sinha, Adv.
For the Respondent/s : Mr.Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioner and learned counsel for the Bank.

This writ application has been preferred for quashing the impugned letter dated 08.11.2018 as contained in (Annexure '8') wrongly described as 11.12.2018 in paragraph 1 (i) of the writ application by which the petitioner has been informed in response to his application under Right to Information Act, 2005 as follows:-

"This is with reference to your

online information sought under Right to Information Act, 2005 vide Registration No: ***UCOBK/R/2018/50530 Dated 11/10/2018****, we inform you on the basis of the information received from the branch that you had not submitted full required documents as per the banks norms for availing the loan, which has resultant in the delay of you loan proposal. Further, in your question to the time limitation for rejection of loan under this scheme is Six Week."*

A further prayer has been made by the petitioner to the respondent to sanction the loan to the petitioner under the scheme of Stand-up India as according to the petitioner he fulfills the entire eligibility as per guidelines of the scheme. Petitioner has also prayed for a compensation of Rs.1,00,000/- for unnecessary harassment allegedly caused to him for last nine months as also for the loss in business due to inaction of the respondent Bank.

In course of argument, learned counsel representing the petitioner has drawn the attention of this Court towards the Annexures at Page 121 to 123 of the writ application from which it appears that the petitioner was an applicant for financial assistance under the Stand-Up India Scheme. Learned counsel submits that earlier the Bank had called for certain requirements to be fulfilled by the petitioner which have been duly fulfilled by the petitioner but till date the application for the financial assistance has not been processed. It is submitted that even though the petitioner has not received any communication stating rejection of his application but from the information received under Right to Information Act, 2005 it appears that the application of the petitioner has not been processed on the ground that the petitioner had not submitted the full required documents as per Bank norms for availing loans.

Learned counsel representing the Bank submits that there is no reason for the petitioner to challenge the communication dated 08.11.2018 issued under the signature of CPIO, Begusarai of the UCO Bank, because the said communication is in the nature of a reply under Right to Information Act only. It is also submitted that though learned counsel have no instruction as to whether the application of the petitioner has been rejected, from perusal of the communication dated 08.011.2018 it appears that the application of the petitioner has not been processed and could not be approved for want of certain requirements.

Be that as it may, after hearing the parties and on perusal of the records, this Court is of the considered opinion that in case the petitioner has made his application in accordance with the scheme and fulfills all the conditions thereunder, the competent authority shall be obliged to take a decision within a period of four weeks from the date of receipt/production of a copy of this order.

In case, it is found that the petitioner has not submitted the required documents and those documents may still be obtained in accordance with the terms of the scheme, the petitioner shall be given an opportunity to submit all the required documents within a stipulated period and thereupon the competent authority of the Bank shall consider the matter and would take an appropriate decision thereon within sixty days.

In case it is found that the application of the petitioner has been earlier rejected, the reasons thereof shall be duly communicated to the petitioner within a period of 15 days from the date of receipt/production of a copy of this order and whereupon the petitioner shall be at liberty to represent his case before the next higher authorities of the Bank and/or in terms of the scheme who will consider the representation of the petitioner and shall take an appropriate decision within a period of 30 days from the date of submission of such representation.

This writ application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/Ved.

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