

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1840 of 2020**

Ajay Ghosh S/o Late Madhavan, Aged About 60 Years, R/o 80-C,
Priyadarshini Nagar, Risali, Bhilai, Tehsil Bhilai, District Durg,
Chhattisgarh

---- Petitioner

Versus

1. The State Bank Of India Through The Chairman Cum Managing Director Having Registered Office At State Bank Bhawan, 14th Floor, Madame Cama Road, Nariman Point, Mumbai, Maharashtra
2. The Regional Manager, State Bank Of India, RBO, Administrative Office Building, Byron Bazar Raipur, Chhattisgarh
3. The Branch Manager, State Bank Of India, Small And Medium Enterprises Branch, Sector 1 Bhilai, District Durg, Chhattisgarh
4. The Bharat Petroleum Corporation Limited Having Its Registered Office At Bharat Bhavan, 4 & 6, Currimbhoy Road, Ballard Estate, Mumbai, Maharashtra And Also At Shaheed Veernarayan Complex, 1st Floor, Near Ghadi Chowk, In Front Of Collectorate, Raipur, District Raipur, Chhattisgarh
5. Shashi Ranjan S/o Madan Sharma, Aged About 45 Years, R/o 21, Shakuntala Niwas, Kadambari Colony, Dhamdha Road, Tehsil And District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ashwin Panickar, Advocate
For Respondents 1 to 3	:	Mr. P. R. Patankar, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order On Board

02.09.2020

1. The dispute primarily in the present writ petition was between the petitioner and the respondent no.5, the partners in the firm namely M/s Classic Fuels. The petitioner in the instant case it is claimed, had submitted certain FDR with the respondents 1 to 3 for availing the benefit of a loan and the said FDR was kept as a security. Subsequently, because of certain defaults on repayment against the loan, the Bank had issued a notice to the petitioner intimating that if the loan amount is not cleared, the Bank would be compelled to encash the FDR that was kept as a security with the Bank. The notice issued by the Bank to the petitioner in this regard is Annexure P-12 dated 15.06.2020. The present writ petition was filed on 28.08.2020.
2. Today, when the matter is taken up, learned counsel appearing for the State Bank of India submits that subsequent to the filing of writ petition, respondent no.5 Shri Shashi Ranjan has appeared before the respondent Bank and has cleared the entire outstanding amount payable against the said loan and therefore now, the FDR which is there with the Bank can be released.
3. Given the said statement by the counsel for the Bank, it appears that the dispute between the petitioner and the respondent Bank stands resolved and that the apprehension of the petitioner of the Bank encashing the FDR also stands redressed. In case if there is any further dispute which exists, that is inter se dispute between the petitioner and the respondent no.5.
4. Thus, the writ petition at this juncture stands disposed of reserving the

right of the petitioner to avail appropriate remedies in accordance with law and also reserving the right of the petitioner to approach the Bank for releasing of FDR if the same has been executed by the petitioner and the respondent no.5 does not have any objection for the same, the Bank authorities are directed to take a decision in accordance to law.

**Sd/-
P. Sam Koshy
Judge**