IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.117

CWP No.17016 of 2020
Date of Decision: 14.10.2020

Dipendra Singh Malka

...**Petitioner**

VERSUS

Union of India and others

...**Respondents**

CORAM: HON'BLE MR. JUSTICE S.N. SATYANARAYANA
HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Surjeet Singh Sodhi, Advocate
for the petitioner.

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S.N. SATYANARAYANA, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioner is practicing Advocate in Punjab and Haryana High Court. He has come up in this writ petition seeking certain directions to the respondents-authorities. Wherein he is seeking to extend the benefit of loan scheme to the petitioner as professional having been included in MSME Act, 2006 dated 03.08.2020. In this behalf he is relying upon press note, which is at Annexure P-3 dated 13.05.2020 issued by Government of India through Ministry of Finance, followed by press notes dated 13.05.2020, 03.08.2020 and 04.08.2020 vide Annexures P-4 to P-6. He is also seeking grant of compensation for non-implementation of the loan scheme causing mental harassment and mental agony to him and for other prayers.

The sum and substance of this writ petition is that the petitioner, a practicing Advocate in the High Court of Punjab and

Haryana at Chandigarh, approached the respondent-bank by an application dated 08.09.2020 vide Annexure P-7. It is seen that, thereafter, there is series of correspondence between the petitioner and the respondent-bank through E-mail, as could be seen vide Annexure P-8. The same would clearly indicate that the respondent-bank, after going through the application filed by the petitioner has sought clarification as to what is the purpose of the loan, which apparently, is not mentioned in the application filed by the petitioner vide Annexure P-7. In spite of long correspondence between the respondent-bank and the petitioner, the petitioner has not furnished the purpose, for which he is seeking the loan. In the absence of the same, the bank has rejected the application of the petitioner for want of particulars. Being aggrieved by the same, the petitioner has come up in this writ petition.

Perused the entire records. We are unable to understand the intention of the petitioner. No doubt, he is trying to secure the benefit of MSME Scheme announced by the Government for the benefit of professionals, which includes not only the Lawyers but also Chartered Accountants, Doctors and others. When the Scheme is looked into, it would indicate that for the purpose of running their business, the said Scheme is introduced by the Ministry of Finance. When the application of the petitioner, which is at Annexure P-7, is looked into, the application does not clearly indicate the purpose for which the said loan is sought. Unless the application is clear in all respects and the purpose for which the loan is sought is in consonance with the scheme, which is formulated by the State under MSME

Act, then it is not open to the respondent-bank to consider the same. In the present set of facts, as could be seen in Annexure P-8, the bank has clearly indicated that in the absence of the purpose for which the loan being sought, not being furnished by the petitioner, the same has been rejected, which appears to be just and proper. Therefore, in the present set of facts, question of issuing direction to the respondent-bank to consider the application of the petitioner for sanction of loan and also to consider grant of any other relief to him, for the so called mental agony, does not arise. Accordingly, the present writ petition is dismissed.

While doing so, we further observe that the dismissal of this writ petition will not come in the way of the petitioner approaching any nationalized bank, which is authorized to disburse the loan under MSME Scheme to the professionals by furnishing the relevant particulars and also mentioning the purpose and requirement of loan amount. As and when such application is filed by the petitioner, the same shall be considered, not only by the respondent-bank, if it is applied to any other bank, which is covered under the said Act.

With such observations, this writ petition is dismissed.

(S.N. SATYANARAYANA)
JUDGE

(ARCHANA PURI)
JUDGE

14.10.2020
Vgulati

Whether speaking/reasoned **Yes/No**
Whether reportable **Yes/No**