IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4326 of 2021

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Balajee Ingot India Private Ltd having its registered office at 2/7, Sarat Bose Road, sixth floor, suit No. 3, Vasunbdhara building, Kolkata - 700020 through one of its directors namely Ramesh Kumar Daruka male aged about 46 Years son of Ratan Lal Daruka resident of Naya Bazar, Pachna Road, Near Telephone Exchange, Ward No. 22, P.S. town and district Lakhisarai - 81311.

... ... Petitioner/s

Versus

1. The State Bank of India through the Chairman-cum-Managing Director, State Bank of India, Corporate Centre, State Bank Bhawan, Madame Cama Road, Mumbai - 400021.
2. The Chief Manager, State Bank of India, Lakhisarai branch, Naya Bazar, Lakhisarai.
3. The Stressed Assets Recovery Branch having its office at, state bank of India, main branch building, West Gandhi Maidan, Patna - 800001 through its assistant general manager.
4. The Authorised Officer, The Stressed Assets Recovery Branch having its office at, state bank of India, main branch building, West Gandhi Maidan, Patna- 800001.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Advocate
For the Respondent/s : Mr. Sanjay Singh Thakur, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

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(i) For issuance of a writ in the nature of certiorari for quashing of the letter Dated 02.11.2020 issued by the respondent No. 3 whereby the application submitted by the petitioner for acceptance of one-time settlement proposal in terms of scheme namely SBI SCHEME FOR ONE TIME SETTLEMENT OF NPA's AND AUCA's (SBI OTS 2020) [hereinafter referred to as the scheme for short] has been rejected in most unreasonable, arbitrary and discriminatory manner;

(ii) For issuance of writ in the nature of certiorari for quashing of letter number SARB/05176/2020 – 21/SK/514 dated 24.07.2020 issued by the respondent No. 3 rejecting the petitioner's proposal for one time settlement [under general powers of bank] unilaterally and without any opportunity afforded to the petitioner on the proposed terms and conditions desired by the respondent bank to be part of the settlement;

(iii) For issuance of a writ or order a direction upon the respondents specially the respondent number 3 to process, accept and receive from the petitioner the amount of one-time settlement in terms of the scheme in order to enable the petitioner liquidate all outstanding loan liabilities with the respondent number 2;

(iv) For issuance of a writ or order or direction upon the respondents specially the respondent number 2 to release all the security documents including the original title deeds relating to immovable assets, investment bonds and other such documents to the petitioner after liquidation of loan dues;

(v) For holding and a declaration that the scheme being nondiscretionary and non-discriminatory, internal sub classification of non-performing assets would be impermissible and therefore all such accounts being non-performing assets classified in terms of the income recognition and asset classification guidelines issued by the reserve bank of India would form one category for the purpose of settlement in terms of the scheme;

(vi) For further holding and a declaration that the distinction Incorporated in the scheme on the basis of category of non-performing assets and admission and denial of benefits of the scheme on the basis of such distinction would defeat the very ideal of the scheme being nondiscretionary and non-discriminatory as a credit account in default is always a non-performing asset may it be substandard, doubtful or loss;

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(vii) For reading down the condition (ii) of the coverage clause in the scheme wherein the sub classification of non-performing assets has been done and renamed as D 1, D 2 and D 3, loss assets or AUC accounts in view of the status of all such accounts being one and same as all are non-performing assets and realisable loan dues from the concerned borrower and guarantor;

(viii) For any other reliefs to which the petitioner is found entitled to in the facts and circumstances of this case.

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to initiate appropriate action in accordance with law.

Permission granted.

The present petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

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CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

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