

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL WRIT JURISDICTION CASE NO. 253 of 2021

Dr. Kapildeo Singh son of late Durgi Singh, Resident of
H.I.G.- 47, Chanakyapuri Colony, District Gaya, Bihar, Pin-
823001, Guarantor, M/S Durga Agro Industries, HIG-47,
Chjanakyapuri Colony, Gaya.

... .. Petitioner/s

Versus

1. The Union of India, through the Principal Secretary, Ministry of Finance, Govt. of India, New Delhi.
2. The Branch Manager, Union Bank of India, Balaji Complex, K.P. Road, Near Kiran Cinema, Gaya.
3. The Authorised Officer, Union Bank of India, Nasheman Bhavan, Muzahrul Haque Path, Frazer Road, Patna.
4. The Regional Manager, Regional Office, Union Bank of India, Nasheman Bhavan, Mazahrul Haque Path, Frazer Road, Patna.
5. The Deputy General Manager, Union Bank of India, Nasheman Bhavan, Mazahrul Haque Pathj, Frazer Road, Patna.
6. The General Manager, 239, Union Bank of India, Union Bank Bhavan, Vidhan Bhavan Marg, Nariman Point, Mumbai.
7. The District Officer, Gaya.

... .. Respondent/s

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Appearance:

For the Petitioner/s : Mr. Rajesh Mohan, Advocate
For the Respondent/s : Mr. Kumar Alok, AC to AAG 5.



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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 15-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed seeking the following reliefs:-

“(i) For issuance of appropriate writ/ writs/ direction/ directions/ order/ orders commanding the respondents to allow 12 months further time to the petitioner Guarantor to pay the amount of Loan, which due amount was settled under the Scheme of OTS, by the bank respondent by letter dated 21.02.2020, which loan was taken by his wife late Manju Singh, Director & Proprietor of Durga Agro Industry, wherein this petitioner was guarantor, NPA amount was Rs. 158, 37601.17 OTS amount is Rs. 12670082 dated 21.02.2020 out of OTS amount the petitioner already paid Rs. 4350000/- in view of problem created due to Lock down of Covid-19.

(ii) For issuance of appropriate writ/ writs/ direction/ directions/ order/ orders commanding the respondents to do not take any coercive or adverse step against the petitioner, till 12 months and prayer is also made to quash the letter dated 27.07.2020 (Annexure- 5) issued by the

o. 2, Branch Manager, Union



Bank of India, Gaya, whereby OTS settlement dated 21.02.2020 stood cancelled.”

At the outset, the learned counsel for the petitioner seeks liberty to approach the respondent no.3 i.e. the Authorized Officer, Union Bank of India, Frazer Road, Patna for a sympathetic consideration of his request for permitting him to liquidate the entire outstanding dues by December, 2021.

The Ld. Counsel for the Respondent Bank, Shri Kumar Alok, submits that several times, opportunity has been granted to the petitioner, by extending the last date for making payment, in order to enable the petitioner to deposit the outstanding dues, but he has always failed, nonetheless the respondent Bank shall honor the directions of this Court and would consider the case of the petitioner sympathetically.

Having regard to the facts and circumstances of the case and having considered the prayer made by the learned counsel for the petitioner, the present writ petition stands disposed of with liberty to the petitioner to approach the respondent no. 3 by filing appropriate representation for redressal of his grievances, within a period of two weeks from today and in case such a representation is filed, the respondent no. 3 shall take appropriate decision by taking a sympathetic ' tter in view of the prevailing

situation on account of Covid-19 pandemic.

It is further directed that till a final decision is taken is taken by the respondent no.3, no coercive steps shall be taken against the petitioner.

It is made clear that in case the petitioner does not abide by the decision to be taken by the respondent no. 3, the present order shall be rendered inoperative.

(Mohit Kumar Shah, J)

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