

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2857 of 2021

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M/s Prema Jewels, through one of it's Co-borrower Shri Saurabh Kumar S/o Late Sanjay Kumar, aged about 30 yrs. Male, S/o Late Sanjay Kumar, R/o Shop no.55, Lok Nayak Jay Prakash Bhawan, Dak Bunglow Chauraha, P.S.-Kotwali, Patna-800001 having it's Place of Business at Shop No. G-13, P and M Mall, Patliputra, Patna.

... .. Petitioner/s

Versus

1. Chairman-Cum-Managing Director, State Bank of India, having its Corporate Office at Madam Cama Road, Mumbai.
2. Branch Manager, State Bank of India, at Patliputra (SME) Branch, Patna now SME Boring Road Branch, Patna.
3. Assistant General Manager, State Bank of India, Stressed Assets Management Branch, 5th Floor, Zonal Office Building, Judge Court Road, Antaghat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jyoti Prakash, Advocate
		Mr. Arbind Kumar Jha, Advocate
For the Respondent/s	:	Mr.Santosh Kumar Singh, Advocate

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

Date : 22-11-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

“That the petition is being filed to issue a writ of mandamus or any other writ, order or direction in nature thereof directing the respondents to withdraw letter no. SAMB/CLO-IV/AKR/43 dt. 02.12.2020 by which offer under SBI OTS 2020 dt. 17.10.2020 and sanction dt. 20.10.2020 was withdrawn after unequivocal acceptance of offer by the petitioner and the bank accepted the entire OTS amount in pursuance of the scheme.

That the petitioner further prays for commanding the respondent Bank to honour the terms of offer dt. 17.10.2020 and acceptance by appropriate authority by letter dt. 20.10.2020.

That the petitioner further prays for quashing that part of the letter dated 02.12.2020 by which the petitioner's account has been declared as fraud by competent authority without any opportunity to the petitioner to deny guilt and establish innocence i.e. without notice of charge leveled against the petitioner and allegations on which charges are based and an opportunity to deny.

That the petitioner further prays for a direction to the respondent bank to return the title deed deposited with the bank to secured the loan in consequence of the settlement under SBI OTS 2020 as the money deposited with the bank is procured from the market and the petitioner has to raise finance against the mortgage property.

The petitioner further prays for issuance of any appropriate writ/writs, order/orders and/or direction/directions for which petitioner may be found entitled.”

After the matter was heard for some time, more so, in view of the objections raised by the respondents, with regard to the pendency of the proceedings under the provision of the Recovery of Debts and Bankruptcy Act, 1993, learned counsel seeks permission to withdraw the present petition reserving liberty to approach the respondent authorities as also the

Reserve Bank of India, pointing out his grievances arising out of the impugned action i.e. order dated 02nd of December, 2020.

We notice that proceedings for recovery of debts were initiated by the respondents and vide judgment dated 31st of October 2018, passed in O.A. Case No. 812 of 2016, the DRT allowed the application directing the petitioner to pay a sum of Rs. 3,10,08,252.27/-.

We also notice that prior thereto, the respondents had issued a proposal for One Time Settlement vide communication dated 13th of August, 2018 (Annexure-6), which was accepted by the petitioner, and confirmed by the respondent, vide communication dated 20th of October, 2020 (Annexure-9). However, vide impugned communication dated 2nd of December, 2020 (Annexure-10), the One Time Settlement stands withdrawn for the reason that the account of the petitioner was declared fraud by the competent authority of the bank.

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

We clarify that we have not expressed any opinion on the merits of the case and have left all the questions, including the issue of maintainability of the present petition,

open to be decided in an appropriate proceeding, should the need so arises subsequently.

As and when any request is made by the petitioner, we are sure that the appropriate authority shall consider and decide the same, in accordance with law, expeditiously and within a period of four weeks thereafter, of course, after complying with the principles of natural justice.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	