

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19198 of 2021

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1. Shashi Bhusan Prasad Yadav S/o Late Bhairab Roy Resident of Punjabi Colony, Gali No. 3, District- Samastipur- 848101, Bihar.
 2. Shakti Kumar Prabhakar S/o Late Ram Bilas Singh Resident of Rukmini Smriti, Kharsariya Home, Maurya Bihar, Kumhrar, Patna- 800026, Bihar.
 3. Navin Chandra Jha S/o Late Bishwambhar Jha Resident of Vishwa Kunj, Near Pani Tanki, P.O. Ishakchak, P.S. Ishakchak, Bhagalpur- 812001, Bihar.
 4. Upendra Kishore S/o Late Kaushal Kishore Shashik, Near Rajdhani Apartment, Near Mahesh Nagar, Patna- 800020, Bihar.
 5. Suresh Mohan Jha S/o Ram Narayan Jha Resident of Meer Tola, Bangao Road, Ward No. 7, District- Bhagalpur, Bihar- 852201.

... .. Petitioner/s

Versus

1. The Union of India through Finance Secretary, Finance Ministry, Government of India.
2. The Finance Secretary, Finance Ministry, Government of India.
3. The State Bank of India through the Chairman, Corporate Centre, State Bank Bhawan, Madam Cama Road, Mumbai- 400021, Maharashtra, India.
4. The Chairman, Corporate Centre, State Bank Bhawan, Madam Cama Road, Mumbai- 400021, Maharashtra, India.
5. The Chief General Manager, SBI Zonal Office, JC Road Branch, West Gandhi Maidan, Patna- 800004, Bihar.
6. The Central Bank of India through its Managing Director cum Chief Executive Officer, Central Bank of India, ChandraMukhi, Nariman Point, Mumbai- 400021, Maharashtra, India.
7. The Managing Director cum Chief Executive Officer, Central Bank of India, ChandraMukhi, Nariman Point, Mumbai- 400021, Maharashtra, India.
8. The Zonal Manager, Central Bank of India, Zonal Office, 2nd Floor, Block B, Maurya Lok Complex, Dakbunglow Road, Patna- 800001, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Siddhartha Prasad, Advocate
		Mr. Sunit Kumar, Advocate
For the Respondent/s	:	Mr. Dr. K. N. Singh, ASG
For Respondent nos. 3 to 5 :		Mr. Binod Bihari Sinha, Advocate
For Respondent nos. 6 to 8 :		Mr. Ajit Kumar Sinha, Advocate

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.

Petitioners have prayed for the following relief(s):-

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- (a) For the quashing of Internal E-Circular dated 09.09.2021 along with Circular No. CCO/CPPD-ADV/49/2019 dated 03.07.2019 of respondent State Bank of India whereby and whereunder the respondent bank has drastically reduced the professional fees of valuation work as compared to the earlier professional fees being paid by respondent bank themselves before passing of said Circulars without any rhyme and reason.
- (b) For quashing of Internal Circular of Central Bank of India circulated in the year 2019 whereby and whereunder Maximum Fee payable for valuation of properties to a valuer on valuation assignments has been arbitrarily fixed at much reduced rates as compared to earlier what the petitioners were getting for valuation work prior to the year 2019.
- (c) For quashing the part of Internal Circular No. 2751 dated 28.07.2019 of Central Bank of India whereby the respondent bank has introduced Consolidated & Updated Service Charges for Loan & Advances effective from 01.08.2021 and at para 11.6, page 21, the respondent bank has reduced the professional fees payable to the petitioners for valuation assignments as compared to the fees being paid by respondent bank themselves before the introduction of Consolidated & Updated Service Charges for Loan & Advances effective from 01.08.2021.
- (d) For clarifying that Section 34(AB) of the Wealth Tax Act, 1957 has not been repealed or superseded by any other enactment till date therefore the fee structure for valuation of registered valuer registered with Central Board of Direct Taxes by virtue of Section 34(AB) of the Wealth Tax Act, 1957 and qualified to practice as per the norms set by Rule 8B of the Wealth Tax Rules is entitled for the fee structure laid by virtue of Rule 8C of Wealth Tax Rule, 1957 and are entitled for the fees what was being paid to the petitioners prior to year 2019 which was set on the basis of Rule 8C of Wealth Tax Rule, 1957 (The Upper Cap/Maximum).



- (e) For direction to the respondent banks not to interfere with the occupation and fees of the petitioner given the present inflation because it is the only source of livelihood of the petitioners and their entire family.
- (f) For any other relief(s) that the petitioners are entitled to in the facts and circumstances of the case.

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After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach Respondent No. 4 namely the Chairman, Corporate Centre, State Bank Bhawan, Madam Cama Road, Mumbai-400021, Maharashtra, India and



Respondent No. 7 namely the Managing Director cum Chief Executive Officer, Central Bank of India, ChandraMukhi, Nariman Point, Mumbai-400021, Maharashtra, India within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The said respondents shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;



(g) We have not expressed any opinion on merits. All
issues are left open;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2021
Transmission Date	

