

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6441 of 2019

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Sri Ram Engineering Industries Pvt. Ltd. through its Managing Director Sri Gazendra Bhushan Awasthi aged about 40 years (Male), S/o Sri Vidya Bhushan Awasthi, R/o Awasthi Bhawan Belwarganj, Pachim Darwaza Sampatchak, P.O.-Gulzarbagh, P.S.-Alamganj, District-Patna-800007

... .. Petitioner/s

Versus

1. The State Bank of India through its The Chairman State Bank of India, Corporate Office, State Bank Bhawan, Madam Cama Road, Mumbai-400021
2. The Chief General Manager State Bank of India, Local Head Office, West of Gandhi Maidan, Patna-800001
3. The General Manager (NW-1) State Bank of India, Local Head Office, West of Gandhi Maidan, Patna-800001
4. Dy. General Manager (CM AND CS) State Bank of India, 5th Floor, Local Head Office Building, West of Gandhi Maidan, Patna
5. Dy. General Manager (B and O) State Bank of India, Zonal Office, Judges Court Road, Patna
6. The DAC Head State Bank of India, Document Archival Centre, Simli, Sahadra, Patna-800008

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary, Advocate
For the Respondent/s : Mr. Kaushlendra Kumar Sinha, Advocate

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

Date : 18-10-2022

Petitioner has prayed for the following relief(s):

“(I) This writ petition is for issuance of a writ/order/direction commanding the respondents to hold and declare that the action of the Respondent concerned in not taking the possession of newly constructed building upon its renovation/modification of the existing structure measuring 214400 sq. ft. (G+3), construction/renovation whereof has



been made by the petitioner as per direction/specific requirement of the Respondent bank, is highly illegal, arbitrary, malafide, malicious and unsustainable in the eye of law and on facts both and is fit to be depreciated by this Hon'ble Court in strong words.

(ii) For issuance of an appropriate writ/order or direction in the nature of Mandamus commanding and directing the Respondent concerned to take over the possession of the said 21,440 sq. ft. Newly constructed/renovated which has been constructed as per the requirement of Document Archival Centre (DAC) of the Respondent Bank, having the load bearing capacity of 111 kg sq. ft. and the Respondents concerned may further be suitably directed to make payment of agreed rent for the said 214400 sq. ft. building (from 28/08/2017 for 15444 sq. ft. and from July, 2018 fro further area for 6000 sq. ft.).

OR IN ALTERNATIVE

(iii) For issuance of an appropriate writ/order or direction for commanding and directing the Respondents concerned to make good the loss so sustained by the petitioner in the process of construction for the said 21440 sq. ft. building specially for the use of DAC of the Respondent Bank having load bearing capacity of 111 kg/sq. ft. equal to 1030 kg/sq. ft. equal to 1030 kg/sq. Meter and further expenditure which will have to incurred by the petitioner for making it inhabitable for general human being. Detailed calculation of such loss and additional expenditure for being making the said building inhabitable are given hereunder:-

Cost below plinth of plinth area of 10,000 sq. ft.	Rs. 82,33,000/-
Cost of construction on plinth area of 10,000 sq. ft. at ground floor	Rs. 36,03,000/-



Cost 1 st , 2 nd & 3 rd floor on plinth area of 4000 sq. ft. each i.e. 12,000 sq. ft.	Rs. 43,23,700/-
Total loss on account of cost of construction	Rs. 1,61,59,700/-(i)
Lost of Rent from 28.8.2017 to 28.02.2019 Ground floor 3,860 sq. ft. @ Rs. 15/- per sq. ft. @ Rs. 57,900/- per month -do- fro area of 11,580 sq. ft. @ Rs. 14/- sq. ft. @ Rs. 1,62,120/-	Rs. 10,42,200/- Rs. 29,18,160/-
Rent of additional space on plinth area of 6,000 sq. ft. on ground floor. From July' 2018 till Feb' 2019 @ Rs. 15/- sq. ft. for 8 months i.e. Rs. 90,000/- per month.	Rs. 7,20,000/-
Total loss on account of rent up to 28.02.2019	Rs. 46,80,360/-(ii)
The expenditure which the petitioner will have to incur to make the premises inhabitable for general human being @ Rs. 300 sq. ft.	Rs. 64,32,000/-(iii)
Total (i)+(ii)+(iii)	Rs.2,72,72,000/-
+further loss of rent @ Rs. 3,10,020/- from March' 2019 & interest on total loss	
+cost of damage for mental torture & harassment	

(iv) For grant of any other relief/reliefs as your Lordship may deem fit and proper in the facts and circumstances of the case."

Learned counsel for the respondents has placed on



record the proceedings dated 13.05.2022 of the Rent Negotiation Committee.

Learned counsel for the petitioner does not press the present petition with the hope and expectation that the respondent/s shall adhere to the minutes recorded by the Negotiation Committee.

Ordered accordingly.

Let whole of the exercise be completed within a period of three months.

The present petition stands disposed of.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	20/10/2022
Transmission Date	

