

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20225 of 2021

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Pankaj Kumar Son of Sri Kumar Satyendra Prasad Sinha, Resident of House No. K-119, P.C. Colony, Hanuman Nagar, P.O. - Lohiyanagar, Patna - 800020
P.S. - Patrakar Nagar, District - Patna, Bihar.

... .. Petitioner/s

Versus

1. Zonal Manager, Canara Bank Zonal Office, Lav Kush Tower, Exhibition Road, Patna - 800001.
2. The Regional Manager, Canara Bank, Regional Office, Lav Kush Tower, Exhibition Road, Patna - 800001.
3. The Branch Manager, Canara Bank, S.M.E. Branch, Raja Bazar, Patna - 800014.
4. Managing Director, Bihar State Building Construction Corporation Ltd., Head Office - Hospital Road, Sastri Nagar, P.S. - Sastri Nagar, Patna - 800023.
5. Deputy General Manager (South), Bihar State Building Construction Corporation Limited (PIU), Patna, Hospital Road, Sastri Nagar, P.O. and P.S. - Sastri Nagar, Patna - 800023.
6. The State of Bihar, through its Secretary, Public Health Engineering Department, Government of Bihar, Patna.
7. The Public Health Engineering Department, through its Zonal Chief Engineer, Purnia Zone, Ford Company Complex, Purnia, P.O. and P.S. - Purnia, District - Purnia.
8. The Superintendent Engineer, Public Health Engineering Department, Division - Katihar, Ram Krishna Mission School Road, Katihar, P.O. - Katihar, District - Katihar, Pin Code - 854104.
9. The Executive Engineer, Public Health Department, Division - Katihar, Ram Krishna Mission School Road, Katihar, P.O. - Katihar, District - Katihar, Pin Code - 854105.
10. Bihar Public Works Contractors Disputes Arbitration Tribunal, Patna through its Registrar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Tej Bahadur Singh, Sr. Advocate Mr. Ajay Prasad, Advocate Mr. Kaushal Kumar, Advocate Mr. Ajit Kumar Sinha, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG 5) Mr. Jitendra Kumar, Advocate Mr. Brisketu Sharan Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 08-02-2022 Petitioner has prayed for following relief (s) :-

(i) For issuance of a writ/writs, order/orders, or direction/directions in the nature of writ of mandamus commanding upon the the respondent Canara Bank (Respondent No.1, 2 and 3) restraining them not to take coercive action against the petitioner till the disposal of the writ application.

ii) For observing and holding that due to Nnon-Payment of dues amount by the respondent no.4 to 8, the petitioner is handicapped for payment of the said amount to the respondent Bank, respondent no.1 to 3 and other creditors.

(ii) For issuance of a direction to the respondent no.4 to 8 for making payment of outstanding dues amount to the petitioner within stipulated period so that the petitioner could make payment to the respondent Bank (respondent no.1, 2 and 3 of the O.D. loan amount.

(iv) To grant any other relief/relief to which the petitioner may be found entitled to in the interest of justice.”

It is stated that the Debt Recovery Tribunal, Patna is not functional for want of appointment of its Presiding Officer. It is under this circumstance that we are entertaining



this petition.

Learned counsel for the petitioner states that the petitioner is ready and willing to resolve the dispute by approaching the respondents with a proposal to fix the modalities for repayment of the rest amount in equal monthly installments spread over a period of six months and/or waiver of the component of interest.

To establish his bona fides, petitioner is ready and willing to deposit a sum of Rs. 5 Lakh within a period of one week and another sum of Rs.5 Lakh in another one week.

We are of the considered view that the petitioner's offer, at this stage, is reasonable.

In view of the statement made by the petitioner, the petitioner is directed to approach the bank authorities by filing a proper application, after depositing the amounts of Rs.5 Lakh+Rs.5 Lakh, with a proposal to fix the modalities for repayment of the rest amount in equal monthly installments, spread over a period of six months and/or waiver of the component of interest, within two weeks and the concerned bank authorities are directed to consider and decide the same within next two months.

Needless to say that while considering such request,



principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

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

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.

Petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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