

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15820 of 2021

Brindavan Tiwary S/o Shri Narayan Tiwary Resident of Village and P.O.-
Chandwa, P.S.- Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Bank of India, through its Chairman Having his office at State Bank Bhawan, M.C. Road, Nariman Point, Mumbai, Maharashtra.
2. The Deputy General Manager State Bank of India, West Gandhi Maidan, Patna.
3. The Regional Manager State Bank of India, having his office at Hari Ji Ka Hata, Bhojpur, Ara.
4. The Chief Manager State Bank of India, (SME Branch) Pakri, Bhojpur, Ara.
5. The Chief Manager State Bank of India, Katira Branch, Bhojpur, Ara.
6. The Branch Manager State Bank of India, SME, Katira Ara.
7. The Branch Manager S.B.I. Pakri, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Sanjiv Kumar, Advocate

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

Date : 21-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):

“i. Letter No. BM/SME Ara/2021-



22/30 dated 11/06/2021 issued by branch manager state Bank of India SME Ara be set aside whereby and whereunder the petitioner has been advised to refund/repay loan amount of Rs.65300/ each starting from June 2021 in 36 monthly installments.

ii. Respondent authorities be directed to adjust the principal amount of loan paid/ disbursed to the petitioner from the insurance Claim amount.

iii. Respondent. authorities be directed not to impose any interest on the principal loan amount Rs.1,06,06,111/-paid to the petitioner for running his Company by purchasing cattles.

iv. Respondents be directed not to take any coercive steps against the petitioner during pendency of this writ application.

v. Respondents be directed to adjust Rs.90 lakhs paid by the Petitioner out of total loan amount RS. 1,06,06,111/-disbursed to the petitioner and the rest loan amount be adjusted from the insurance amount which would accrue from United India Insurance and ICICI Lombard.”

We are informed that, at this point in time, the Debt Recovery Tribunal is not functional for want of appointment of the presiding officer. It is under these circumstances, we are entertaining the present petition.



After the matter was heard for some time, learned counsel for the petitioner states that petitioner shall approach Respondent No. 2, namely The Deputy General Manager, State Bank of India, West Gandhi Maidan, Patna giving an offer with the request to take a decision thereupon in accordance with law and, more specifically, the guidelines framed by the bank and the Reserve Bank of India.

Learned counsel appearing for the bank has no objection to the same.

As such, as prayed for, we dispose of the present petition on the following mutually agreeable terms:

(a) Petitioner shall make himself available in the office of Respondent No. 2 on 18.02.2022 at 10:30 a.m.

(b) On the said date, proposal, complete in all respects, shall be submitted to the said respondent.

(c) The said respondent or any other authorized officer/authority shall take a decision thereupon in accordance with law expeditiously and the decision assigning reasons shall be communicated to the petitioner.

Liberty reserved to the petitioner to adjudicate the issue any further, should the need so arise subsequently.



It is clarified that all issues of fact and law are left open and the petition is disposed of only on the request made by the petitioner.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	24.01.2022
Transmission Date	

