

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11362 of 2022

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1. Interface Industrial System a Proprietorship concern represented through its proprietor Hemant Kumar Das, Resident of 504, White House, Block- A, Budha Marg, P.S. Kotwali, Town and District Patna, Bihar.
 2. Hemant Kumar Das Son of Sri Awadhesh Kumar Das, Resident of 504, White House, Block- A, Budha Marg, P.S. Kotwali, Town and District Patna, Bihar.

... .. Petitioner/s

Versus

1. The Bank of India a body corporate and Nationalized bank established under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970, having its Head Office at Star House C- 5, G Block, Bandra Kurla Complex, Bandra (East), Mumbai 400051 through its Managing Director and CEO.
2. The Managing Director and C.E.O., Bank of India, Star House C- 5, G Block, Bandra Kurla Complex, Bandra (East), Mumbai- 400051.
3. The Chief Manager, Patna Asset Recovery Branch, Bank of India, 1st Floor, Chanakya Place, Birchand Patel Marg, Patna- 800001.
4. The Assistant General Manager, Patna Recovery Branch, Bank of India, 1st Floor, Chanakya Place, Birchand Patel Marg, Patna - 800001.
5. The Branch Manager, Bank of India, 1st Floor, Chanakya Place, Birchand Patel Marg, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nikhil Kumar Agrawal, Advocate Ms. Aditi Hansaria, Advocate
For the Respondent/s	:	Mr. Niti Nath Jha, 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 : 12-08-2022



Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- i. For issuance of a writ in the nature of *Mandamus* directing the Respondent Bank to revalidate the one time settlement accepted by the Bank vide letter no. ARB/PAT/2018-19/13 dated 14.03.2019 (Annex-1).
- ii. For issuance of a writ in the nature of *Mandamus* directing the Respondent Bank to consider the representations dated 29.06.2021, 11.07.2021, 17.7.2022 and 18.05.2022 of the Petitioners and to, accordingly, revalidate the earlier O.T.S. sanctioned and approved by the Bank vide letter no. ARB/PAT/2018-19/13 dated 14.03.2019 by which the settlement amount with respect to the loan account of the Petitioners was fixed at Rs.30,00,000/-.
- iii. For issuance of a writ in the nature of *Mandamus* directing the Respondent Bank to accept the remaining O.T.S. amount after adjusting Rs.7,85,000/- which has already been paid by the Petitioners towards full and final satisfaction of the dues of the loan accounts of the Petitioners.
- iv. For issuance of a writ in the nature of *Mandamus* directing the Respondent Bank to issue No Dues Certificate after accepting the remaining OTS amount.
- v. For directing the Respondent Bank not to take any coercive action against the Petitioners during the pendency of the present petition.
- vi. For any other relief / reliefs as your Lordships may deem fit and proper in the facts and circumstances of the case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take



recourse to such other remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

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

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.08.2022
Transmission Date	

