IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18581 of 2021

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Lalit Kumar Gupta Son of Prabhu Chand Prasad Resident of Sohsarai Karunabag Sohsarai, Saraiya, P.S.- Sohsarai, District- Nalanda.

... ... Petitioner/s

Versus

1. The Bank of India through its General Manager, Bandra Kula Complex, Mumbai.
2. The Zonal Manager, Bank of India, R. Block Chauraha, Near Chankya Hotel, Chanikya Tower, Patna.
3. The Senior Branch Manager, Bank of India, Sohsarai Branch, Paila Pokhar, Hospital More, Biharsharif.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey, Advocate
For the Respondent/s : Mr. Nishi Nath Ojha, Advocate

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

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(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.)

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Date : 31-01-2022

Heard learned counsel for the parties.

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

I) For issuance of an appropriate writ/writs in the nature of mandamus commanding and directing the respondents to quash the letter dated 28.09.2021 contained in Ref No. SOH: AS: 2021-

22:79 issued by respondent Senior Branch Manager Bank of India, Sohsarai Branch by which C.C. Accounts No. 486272310000107, 486272310000111, 486265710000002, 486265710000003, 486270410000003, 486270410000005 and 48627041000039 have been declared NPA on 27.09.2021.

Pursuant to letter dated 04.09.2021 contained in Ref No. SOH: AS: 2021-22:79 issued by the respondent Senior Branch Manager Bank of India the petitioner made a representation on 17.09.2021 but without considering the representation, the respondent declared the Account NPA.

(II) For further direction to the respondent to allow the petitioner to continue to operate aforesaid Bank account till disposal of the case.

(III) For any other relief for which the petitioner is entitled to get.

Learned counsel for the petitioner states that petitioner is ready and willing to settle the matter with the Bank. Also, petitioner has all the intent to repay the amount in accordance with law, subject to the Bank agreeing to waive of the interest in terms of its policy and the R.B.I. guidelines. The amount would be repaid in equal instalments payable spread over a period of certain duration. In order to establish his bona fides, petitioner is ready and willing to deposit a sum of Rs. 40 lacs in four equal insalments of Rs. 10 lacs each payable in four weeks from today. Thus, by depositing Rs. 40 lacs within four weeks, petitioner would be able to satisfy the Bank of its willingness to settle the matter.

It is further prayed that till such time the settlement takes place, the Bank should not take any coercive action against the petitioner, including putting the hypothecated goods/property to sale.

Shri N.N. Ojha, learned counsel appearing on behalf of the Bank, under instructions, states that the Bank is ready and willing to process the petitioner’s request in accordance with law. Also, it will be done expeditiously and without any discrimination. Benefit accrued to similarly situated persons would also be accrued to the petitioner.

We are entertaining the present petition in view of the fact that at this point in time, the Debt Recovery Tribunal is not functional on account of non-appointment of Chairman.

The present petition is, thus, disposed of in the following mutually agreeable terms:-

(a) Petitioner shall deposit a sum of Rs. 40 lacs, in four equal insalments of Rs. 10 lacs each, within a period of four weeks from today;

(b) The said amount shall be deposited directly with the Bank;

(c) Petitioner shall, within one week from today, approach Respondent No. 3, namely the Senior Branch Manager, Bank of India, Sohsarai Branch, Paila Pokhar, Hospital More, Biharsharif, with a concrete proposal conveying his intent of repaying the amount and also seeking waiver of the amount of interest in terms of the R.B.I. guidelines;

(d) Petitioner undertakes to repay the amount on such terms as would be mutually acceptable to both the parties;

(e) In the event of default, it shall be open for the Bank to take recourse to such remedies as are available in accordance with law;

(f) Till such time the decision is taken, the hypothecated goods of the petitioner shall not be put to sale;

(g) Liberty reserved to the parties to take appropriate action in accordance with law, should the need so arise subsequently, including filing a fresh petition before this Court;

(h) It is brought to our notice that four hypothecated vehicles stand seized;

(i) With the deposit of every 10 lacs, each of the vehicles would be released in four of the petitioner.

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	02.02.2022
Transmission Date	