

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14883 of 2022

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M/s Bhawani Dairy Project through its Proprietor Kumar Raushan, aged about 45 yrs, Gender-Male, S/o Late Dineshwar Prasad Verma, at Industrial Area Deona, Tilrath, P.S. Barauni, Dist- Begusarai.

... .. Petitioner/s

Versus

1. The Canara Bank through its Chairman cum-M.D., 42 J.C. Road, Bangluru.
2. The Assistant General Manager, Canara Bank, Regional Office, Purnea.
3. The Authorized Officer, Canara Bank, Harrakh Branch, Begusarai.
4. The Regional Manager, Canara Bank, at Khuskibagh, Puenea.
5. Branch Manager, Canara Bank, Harrakh Branch near Power House Chowk, P.S. and Town- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Vijay Anand, Advocate
For the Bank	:	Mr. Rajan Ghoshrahe, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-11-2022

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

“(i) For quashing the demand notice dated 3.8.2022 issued under the signature of Assistant General Manager, Regional Office, Purnea, obtained in Ref./5750/SARFAECI/ 80/2022 by which the petitioner has been directed to clear overdue amount of Rs. 31,20,091 (Thirty one Lakhs twenty thousand and ninety-one) on or before 15.8.2022 for upgrade your all loan accounts from NPA to standard.

(ii) For issue a direction to the Respondents specially Respondent No. 2 & 4 to calculate the



interest after installation of plant & Machinery in terms of Letter dated June 2019.

(iii) Issue a direction to the Respondent bank especially Respondent No.5 to issue rest of the term loan amount as well as working capital in favour of the firm as per the Letter of Divisional Manager dt. 5.6.2019 by which Regional Office agree to sanction Rs. 1 crore 75 lakhs and 21 thousand as term and amount of Rs. 47 lakhs 29 thousand as working loan.

(iv) Issue a direction to the Respondent bank authority to upgrade all loan accounts of the petitioner & others as described in Notice dt.3.8.2022 from NPA to standard.

(v) To direct the Respondent authority to pass necessary order over the objection filed by the petitioner U/s 13(3-A) of the SARFAECI Act.”

Petition is disposed of on the following mutually agreeable terms:

- (a) Petitioner shall approach the authority concerned i.e. Respondent No.4, namely The Regional Manager, Canara Bank, at Khuskibagh, Purnea within a period of four weeks from today by filing a representation for redressal of the grievance(s) and place additional material, if so required and desired, in addition to what already stands placed before the authority in terms of the order dated 14.07.2022, (page-51);



- (b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of two weeks from the date of its filing along with a copy of this order;
- (c) The order assigning reasons shall be communicated to the petitioner;
- (d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;
- (e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;
- (f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;
- (g) 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;
- (h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise



subsequently on the same and subsequent cause of
action;

(i) We have not expressed any opinion on merits. All
issues are left open;

The petition stands disposed of in the aforesaid
terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	04.11.2022
Transmission Date	

