

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16163 of 2022

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Shree Tel Fab Industries Private Limited A Company incorporated under the Companies Act, 1956 having its registered office at Patna Chemical Works Compound, Mogalpura, Patna City, Patna through its authorised representative Vikash Kumar Agarwal, male, aged about 46 years, s/o Late Dhan Kumar Agarwal, r/o Flat No. 604 B Block, Sai Kusum Infinity, Kankarbagh, P.S. Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. Reserve Bank of India head office, Main Building P.o. Box 901, Shahid Bhagat Singh Road, Mumbai, Maharashtra having office Regional Office at Sough Gandhi Maidan, Patna 800001 through its Regional Director.
2. Polymet SA (S) TTE Limited a Company incorporated under the laws of Singapore having its registered office at 7, Temsek Boulevard, 07-03 Suntec Tower One Singapore- 038987

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate
For the Respondent/s : Mr.Amit Prakash, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
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 25-11-2022

Petitioner has prayed for the following relief(s):

“(i) For issuance of writ in the nature



of mandamus or a writ of mandamus or any other writ of the like nature thereby directing the respondent no. 1 to grant necessary permission to the petitioner for import remittances.

(ii) For issuance of writ in the nature of mandamus or a writ of mandamus or any other writ of the like nature thereby directing the respondent no. 1 to take positive decision upon the representations dated 22/07/2022 and 17/10/2022 (Annexure P/5 and P/7 respectively) filed by the petitioner seeking import remittances.

(iii) For issuance of writ in the nature of mandamus or a writ of mandamus or any other writ of the like nature thereby directing the respondents to permit the petitioner to make payments to the respondent no. 2 during pendency of the writ petition or during pendency of the process of decision making by the respondent no. 2.

(iv) For issuance of any other writ(s), order(s), or direction(s) for which the petitioner is entitled for.”

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petition is disposed of with a direction to respondent No. 1, namely Reserve Bank of India, head office, Maharashtra, having



its Regional office at South Gandhi Maidan through its Regional Director, to consider and decide the petitioner's application which is yet pending consideration and/or initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

On the other hand, Shri Amit Prakash, learned counsel for the respondents, states that certain formalities are required to be completed by the Bank.

We are of the considered view that if the petitioner were to approach the respondent, the respondent authority is duty-bound to consider the application on merits and take a decision thereupon expeditiously and with reasonable dispatch, but not sit over the matter.

As such, petition is disposed of with a direction to the concerned respondent authority to consider and decide the petitioner's pending application before the authority expeditiously with reasonable dispatch, but not later than two months from today.

Liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.



It stands clarified that all issues of fact and law are left open to be agitated by the competent authority.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

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