

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22192 of 2019

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Rajesh Kumar Chaubey S/o Nagina Chaubey Resident of Village- Ward No. 9, Near Nawal Pan Dukan, P.s.- Raghunathpur, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The General Manager State Bank of India Gandhi Maidan, Patna
2. The Deputy General Manager (BPO) Poddar Complex, State Bank of India, Ramna Muzaffarpur
3. The Chief Manager State Bank of India, Motihari
4. The Regional Manager State Bank of India, Motihari
5. The Manager SBI (Krishi Vikash Branch), Motihari, East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon, Advocate
For the Respondent/s : Mr.Kaushlendra Kumar Sinha, Advocate
Mr. Alok Kumar Agrawal, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-12-2022 Heard learned counsel for the parties.

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

“For issuance of an appropriate writ order or direction commanding the respondent bank to adjust/refund the illegal deduction of penal interest from month of June 2016 to October 2017 from the account of the petitioner in the outstanding dues of the petitioner against the personal loan sanctioned to him by the respondent-bank.”

It is not in dispute that petition under Section 9/60 of the Bihar & Orissa Public Demands Recovery Act, 1914



(hereinafter referred to as “the Act”) is pending consideration/petitioner intends to file before the appropriate authority.

Learned counsel for the parties jointly pray that the instant petition be disposed of with direction to the appropriate authority to consider and decide the same expeditiously.

Learned counsel for the State states that the appropriate authority shall consider and decide the petition filed/ to be filed by the petitioner under Section 9/60 of the Act positively within a period of two months from the date of appearance of the petitioner before him along with a copy of this order and the issue of limitation shall not come in the way of decision on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall appear in the office of the appropriate authority on **27.12.2022 at 11.00 a.m.** along with a copy of this order, on which date documents in support of the petition shall be filed, or else file a fresh petition under Section 9/60 of the Act.

(b) The appropriate authority shall consider and



dispose of the petitioner's petition expeditiously, by a reasoned and speaking order, preferably within a period of two months from the date of appearance of the petitioner before him and till then no coercive steps be taken against the petitioner;

(c) The authority shall also examine as to whether the amount in question falls within the definition of public demand or not;

(d) The authority shall also examine all issues including question of fact and law;

(e) Needless to add, while considering such petition, principles of natural justice shall be followed and due opportunity of hearing as also leading evidences has to be afforded to the parties;

(f) Order assigning reasons shall be supplied to the parties;

(g) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(h) 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;



(i) Liberty reserved to the petitioner to challenge the order passed by the appropriate authority, before the appropriate forum, if so required and desired.

(j) 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, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

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