IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4883 Of 2012
(Through hybrid mode)

Smt. Asmita Ray .... ***Petitioner***

Mr. R. Prusty, Advocate

-versus-

Chairman and M.D., UCO Bank and others .... ***Opposite Parties***

Mr. Manoj Kumar Mishra, Senior Advocate
Mr. P.K. Routray, Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER
11.08.2022

Order No.	
5.	**1.** Mr. Prusty, learned advocate appears on behalf of petitioner. He submits, his client as proprietor of a Chuda Mill was sanctioned credit facilities aggregating Rs.20,60,996/-. Only Rs.6,00,000/- was given under the facility. His client filed this writ petition, presented on 16th March, 2012, for obtaining balance credit facility to get her mill to run and thereby yield income.

2. He refers to paragraph 7 in the counter filed on behalf of the bank. The paragraph is reproduced below.

> *"That the averments made in para-7 and 8 are not correct. It is humbly submitted that the claim has been settled by KVIC. It is further humbly submitted that the*

Bank is willing to release the balance amount if the shed is completed with electricity connection and eclectic installations by the entrepreneur as per the original Project Report and the petitioner is willing to bear the escalation cost of the project due to time lag and further serving of up-to-date overdue interest in the loan account by the beneficiary."

3. Mr. Mishra, learned senior advocate appears on behalf of the bank and draws attention to paragraph-6 in his client's counter. He submits, project report referred to therein clearly shows petitioner had not discharged her obligation, upon obtaining initial disbursement under the sanction, for subsequent disbursement to be made. On query from Court he however submits, the bank's position has correctly been stated in paragraph-7 of the counter, reproduced above.

4. Mr. Routray, learned advocate appears on behalf of opposite party no.4 and on query from Court submits, paragraph-7 in counter of the bank is reflection of his client's instruction to it regarding disbursement.

5. Petitioner will produce proof of eligibility for the next stage of disbursement under the sanction by meeting the requisitions in paragraph-7 of the bank's counter, reproduced above. For the purpose, petitioner will approach the concerned branch of the bank within two weeks from date. The bank, upon being furnished with the proof, will be at liberty to take or cause physical inspection, if necessary and thereupon decide on further disbursement under the sanction on obtaining petitioner's express undertaking that she will not claim on escalation occurred in the meantime. Disbursement is to be made forthwith thereafter. In event, disbursement is to be denied, it will be upon reasons informed to petitioner. Either way there must be action by the bank within four weeks of approach by petitioner.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks