**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P. (C) No. 11761 of 2013**

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| ***Chittaranjan Sahoo*** | .... | ***Petitioners*** |
| | | Mr.G.Behera, Advocate |

*-versus-*

| | | |
|---|---|---|
| ***Branch Manager, SBI, Bani Branch & others*** | .... | ***Opp. Parties*** |

**CORAM:**
**THE CHIEF JUSTICE**
**JUSTICE R.K.PATTANAIK**

**Order No.**

**ORDER**
**03.08.2022**

08. 1. The Petitioner's grievance is that the second phase of the loan has not been released by Opposite Party No.1-State Bank of India, Banki Branch for his Fly Ash Project.

2. In response to the notice issued in the present petition a counter affidavit has been filed by SBI in which *inter alia* it is stated that even though project profile has been prepared in July, 2008 the consent to establish the Fly Ash Brick Unit was received from the State Pollution Control Board, Odisha only on 23rd March, 2011. A copy of the said letter at not yet been furnished by the Petitioner to the Bank.

3. That apart, it is stated that the Bank received a letter on 21st May, 2012 from the KVIC, Ministry of MSME, Govt. of India asking SBI to refund the margin money in view of physical verification records submit by APITCO Ltd., Bhubaneswar. On 2nd May, 2013 a joint visit was undertaken by the Officers of the SBI and KVIC to the unit and to the Petitioner's residence.

The unit was not found functional and the Petitioner was absent. He was contacted over phone and requested to call on the Branch for discussions "but he never turned up". It is stated that in the circumstances that SBI was forced to close his loan account. It has since been turned into a non-performing asset (NPA) and his Savings Account has been debited due to the inordinate delay in the establishment of the fly ash unit.

4. Although, rejoinder has been filed by the Petitioner denying all of the above contentions and saying that such physical verification either did not take place or took place behind his back, he is unable to deny the fact that he never went back to the Bank to enquire about the physical verification that was undertaken. Incidentally, this writ petition has been filed soon after such verification. The rejoinder of the Petitioner raises disputed questions of fact which cannot be adjudicated in the present petition. The Petitioner will obviously have to take steps as regards his loan account being turned into an NPA.

5. Leaving the Petitioner therefore to avail other appropriate remedies as may be available to him in accordance with law, the writ petition is disposed of.

***(Dr. S. Muralidhar)***
***Chief Justice***

***( R.K.Pattanaik)***
***Judge***

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