

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.9359 Of 2015
(Through hybrid mode)**

Bhagirathi Das

....

Petitioner

*Mr. A.C.Behera
Advocate*

-versus-

***Collector-cum-D.M., Balasore and
others***

....

Opposite parties

Mr. M.K.
Mohapatra,
Advocate
Mr. P.C. Panda,
AGA

CORAM: JUSTICE ARINDAM SINHA

**Order
No.**

**ORDER
29.03.2022**

7. 1. Mr. Behera, learned advocate appears on behalf of petitioner and submits, rejoinder has been filed, In the rejoinder he relies on annexure-3 being intimation dated 26th February, 2015 from opposite party-Bank to petitioner saying, inter alia, loan availed by him bearing account no.30395738793 is closed. He hands up photo copy of deposit slip dated 3rd February, 2015 to show he had deposited Rs.20,154/-, which resulted in closure of the account.
2. Mr. Mohapatra, learned advocate appears on behalf of opposite party no.3 (bank) and draws attention to letter dated 26th September,

2014 (annexure-2) wherein, inter alia, following was said.

“07. Applicants those who have availed Govt. subsidy under PMRY, REGP or any other scheme of Govt. of India or State Govt. are not eligible and the applications should be rejected and returned to DIC.”

He submits with reference to page-10 in the counter, account no. 30395738793 was accommodation on government subsidy. As such petitioner was not eligible for loan as recommended by said letter dated 26th September, 2014 issued by District Industries Centre, Balasore.

3. Page-10 in counter of the bank says, inter alia, there was outstanding of Rs.20,154/- and interest as on 17th June, 2014, when the loan was written off. Petitioner has demonstrated from the rejoinder that thereafter the bank closed the account, as intimated to petitioner by writing dated 26th February, 2015. This came on petitioner's deposit of Rs.20,154/-, on 3rd February, 2015, after the account had been written off.

4. Mr. Panda, learned advocate, Additional Government Advocate appears on behalf of State and submits, by letter dated 26th September, 2014 District Industries Centre, Balasore recommended sanction of the loan. Mr. Mohapatra points out from page-14 of his client's counter,

inter alia, letter dated 19th March, 2015 his client had written to the Additional Project Director, Balasore that it presumes petitioner is not eligible for the loan and sought advice. No advice was received in response thereto.

5. Petitioner has moved Court. Bank is opposite party no.3. Court is not inclined to adjudicate challenge thrown by bank to eligibility of petitioner on recommendation of the loan made by District Industries Centre, Balasore. Court has evidence petitioner had availed government subsidy and loan, which petitioner has repaid, atleast in principle, after the account was written off. In the circumstances, petitioner is entitled to relief in terms of prayers A and B. Disbursement is to be made within three weeks of communication.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks