

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4681 of 2023

Ma Chinnamasta Food Processor Private Limited Baruna, Purvi Bhelari, Natwar, Dinara Dist. Rohtas Bihar, 821307 through its Director Rahul Kumar aged about 36 years (M), son of Sri Binay Kumar Singh, at present residing at Trilok Apartment, Flat No. 403, 3rd Floor, Chankya Nagar, Saraidhela, Dhanbad, Jharkhand- 828109

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Reserve Bank of India, through its Regional Director, Bihar, Patna.
3. The Indian Bank, through its Zonal Manager, Indian Bank, Zonal Office, Gaya.
4. The Senior Manager, Indian Bank, Dinara Branch, Dinara, Rohtas.
5. The Branch Manager, Indian Bank, Dinara Branch, Dinara, Rohtas.
6. The Axis Bank Ltd., through its SME Head, Axis Bank Ltd., Patna.
7. The Authorised Signatory, the Axis Bank Ltd., Patna.
8. The Branch Manager, Axis Bank Ltd., Bikramganj, Sasaram, Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar Singh, Adv.
For the Respondent/s : Mr. Raghwendra Kumar, S.C.- 22

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 25-04-2023

1. The petitioner, by way of this writ petition,

has prayed as under:

“(i) For issuance of an appropriate writ for quashing of the order contained in letter no. AXISB/SAG/EAST/23-24/163 dated 25-1- 2023 (Anx.-15) issued under the signature of the respondent no. 7 by which the claim/ requests of the petitioner have been denied / rejected and the



petitioner has been asked to regularize the over-dues.

(ii) For issuance of an appropriate writ, order or direction directing and commanding the respondents particularly the respondent nos. 6 and 8 to give the petitioner all consequential benefits after quashing of the aforesaid letter no. AXISB/SAG/ EAST/23-24/163 dated 25- 1-2023 (Anx.-15) including to release the amount of Term Loan sanctioned for the Flour Mill Project of the petitioner immediately without any further delay.

(iii) For issuance of an appropriate writ directing and commanding the respondents to release extra 10 percent under emergency credit scheme to the petitioner Firm.

(iv) For issuance of an appropriate writ directing and commanding the respondent Axis Bank Ltd. to allow the petitioner Firm to make payment of existing pending Dues in 12 to 18 months.

(v) For issuance of an appropriate writ directing and commanding the respondent nos. 6 to 8 to refund the Penal Interest which has been charged/ realized form the petitioner Firm.

(vi) For issuance of a writ in the nature of Mandamus directing and commanding the respondent nos. 3 to 5 to pay the petitioner excess amount which has been realized by them from the petitioner toward the Interest and the Pre Payment Penalty.

(vii) For issuance of an appropriate writ directing and commanding the respondent nos. 3 to 5 to pay



the petitioner interest for the period during which the amount of the aforesaid excess payment realized from the petitioner towards the Interest and Pre Payment Penalty, remains with the respondent nos. 3 to 5 and is not paid to the petitioner.

(viii) For any other relief/reliefs of which the petitioner is legally entitled to.”

2. Taking into consideration a law laid down by the Hon’ble Appex Court in **Varimadugu Obi Reddy vs. B. Sreenivasulu & Ors.** as reported in **2023 (2) SCC 168** and in **M/s South Indian Bank Ltd. & Ors. vs. Naveen Mathew Philip & Anr.,** reported in **2023 SCC Online SC 435**, wherein, the Hon’ble Apex Court has held as under:

“18. While doing so, we are conscious of the fact that the powers conferred under Article 226 of the Constitution of India are rather wide but are required to be exercised only in extraordinary circumstances in matters pertaining to proceedings and adjudicatory scheme qua a statute, more so in commercial matters involving a lender and a borrower; when the legislature has provided for a specific mechanism for appropriate redressal.”

3. The writ petition would not lie and, is accordingly, dismissed with liberty to approach the appropriate forum



for redressal of his grievance.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 41

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.04.2023
Transmission Date	N/A

