

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.573 of 2019

In
Civil Writ Jurisdiction Case No.5609 of 2015

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1. M/s Ram Chandra Prasad Power Loom Udyog Mohalla-Moghal Kuan, P.O. and P.S.-Soh Sarai, District-Nalanda, through its Proprietor being the heirs of Late Ram Chandra Prasad mentioned as Appellant No. 2 to 7 below
 2. Kalawati Devi Wife of Late Ram Chandra Prasad
 3. Suresh Prasad,
 4. Uday Prasad alias Uday Kumar,
 5. Vinay Prasad alias Vinay Kumar,
 6. Sanjay Prasad alias Sanjay Kumar,
 7. Sunil Prasad alias Sunil Kumar, All sons of Late Ram Chandra Prasad
Appellant No.3 to 7 are sons of Late Ram Chandra Prasad
All R/o Mohalla-Moghal Kuan (Bauli Par), P.S.-Soh Sarai, District-Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. The Industrial Development Commissioner, Government of Bihar, Patna
3. The Joint Secretary, Industries Department, Government of Bihar, Patna
4. The District Magistrate, Nalanda, Bihar Sharif
5. The Nideshak Prasar-Sah-Up Sachiv, Sansthi K Vitya Avam Karyakram Kriyanvayan Bibhag, Patna (Director Extension)
6. The Director, Hast Kargha Avam Resham, Bihar, Patna
7. The Chief Executive Officer, Bihar Sharif, Chhetriya Hast Kargha Bunkar Sahyog Sangh Ltd. Nalanda
8. The General Manager, District Industries Centre, Nalanda
9. The Branch Manager, Central Bank of India, Bihar Sharif
10. The Regional Manager, Central Bank of India, Station Road, Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lala Sachindra Kumar, Advocate
For the Respondent/s : Mr.

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

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)



Date : 17-07-2023

1. Heard learned counsel for the parties.
2. The writ petitioners-appellants have preferred the instant appeal against the order dated 9.4.2019 passed in CWJC no.5609 of 2015.
3. The case of the appellants in brief is that they belonged to 'Tanti' caste and have been doing their ancestral business of *bunker*. Their unit was registered in the year 1965. In 1986-87, the father of the appellants took cash credit loan of Rs.5 lacs from the Central Bank of India for production of cloth under the powerloom sector. In the year 2006, the State Government came out with a scheme for remittance of the loan district wise as per which the loan was to be paid back by the State Government in case the loanees were unable to pay the same. Rs.12.24 crores was sanctioned for the said scheme. As per the appellant's case, the letter sent by the Bank to the respondent no.5 with respect to the loan amount taken by the appellants was misplaced. In spite of reminders the respondent no.5 requesting that the loan amount be made available to respondent no.9 with respect to loanees including the appellants, no steps were taken. Not having received any relief, the appellants moved this Court in CWJC no.7318 of 2010 but the



same was dismissed as withdrawn on 10.3.2015. In the meantime, a demand notice was issued under section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('SARFAESI' in short) against which the appellants filed an appeal (S.A. no.173 of 2011) before the Debt Recovery Tribunal (DRT). The said appeal was disposed of by order dated 19.1.2012 with a direction to the loanee appellants to approach the Bank with reasonable compromise offers.

4. It is further case of the appellants that subsequently in a Special Lok Adalat in the DRT, settlement was arrived at and payment was made by the appellants in accordance with the settlement dated 23.2.2012 of the Lok Adalat. The appellants filed CWJC no.5609 of 2015 praying for directing the respondents specially the respondent no.5 to release the fund in favour of the Central Bank of India, Bihar Sharif towards payment of loan of the appellants by the State Government in accordance with scheme for remittance of loan.

5. Counter-affidavits were filed on behalf of the respondents in the writ application.

6. By order dated 9.4.2019, the learned Single



Judge was pleased to dismiss CWJC no.5609 of 2015.

7. Having heard learned counsel for the parties and having perused the material on record, it transpires that the appellants are successors of one Late Ramchandra Prasad who used to run a powerloom industry. The ancestor of the appellants had taken a loan in the year 1986-87 which in the year 2006-07 rose to Rs.5,48,812/. Though initially the loan waiver scheme of the Government was confined to the handloom sector but subsequently as would be evident from the contents of the letter no.1832 dated 28.5.2009 written by the Joint Secretary, Industry Department, Bihar to the Accountant General, Bihar, the benefit of the said scheme was also extended to the powerloom sector but the applicability of the same was confined upto the loan of Rs.5 lacs. At this stage, it would be relevant to note that so far as the appellants are concerned, pursuant to the Lok Adalat organised by the DRT, they had already settled the dues of the Bank and as such, there was no occasion for them to get the benefit under the scheme. An earlier writ petition moved for the same relief was withdrawn. The scheme of the State Govt. was also to repay defaulted loan amounts and not to reimburse amounts paid up by borrowers satisfying a loan liability.



8. In view of the facts and circumstances of the case, the appellants have not been able to make out a case for grant of the prayer made in the writ application or for interference in the order of the learned Single Judge.

9. This Court finds no merit in the instant appeal.
The appeal is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.07.2023
Transmission Date	

