IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1537 of 2019
In
Civil Writ Jurisdiction Case No.9080 of 2019

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M/s Shree Maheshwari Distributors R.B Lane, Forbesganj District-Araria, Through its Partners Neha Kumari (Female), aged about 26 years, Wife of Sri Gautam and Gautam (Male), aged about-38 Years, son of Sunil Kumar Singh, resident of Hanuman Nagar, Behind S.P. Kothi, Purnea, P.S.-Purnea, District-Purnea. ... ... Appellant/s

Versus

1. The Managing Director UCO Bank Head Office, 10 BTM Sarani, Kolkatta-700001, West Bengal.
2. The Zonal Manager, UCO Bank, Zonal Office, Sona Jageshwar Complex, Traffic Chowk, Begusarai-8511101.
3. The Branch Manager, UCO Bank, Library Road, Forbesganj, PIN-854318, District-Araria.
4. The Lead District Manager (LDM), State Bank of India, Araria.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Ms. Sheela Sharma, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 17-07-2023

Heard learned counsel for the parties.

2. The appellant has preferred this appeal against the order dated 22.10.2019 passed in C.W.J.C. no. 9080 of 2019.

3. The case of the writ petitioner-appellant in brief is that it is a duly registered partnership firm. The respondent authorities came out with a scheme of cash credit facility and term loan against which the appellant applied, however, by letter dated 12.11.2018 he was informed that his proposal for loan under the scheme was rejected. The appellant moved this Court

in C.W.J.C. no. 1054 of 2019 which was disposed of by order dated 15.1.2019 with certain observations. Pursuant thereto the petitioner filed a representation in support of his application for loan. The same was rejected by order dated 29.1.2019 passed by the UCO Bank giving reasons for rejection of his loan proposal.

4. The appellant thereafter moved this Court by filing C.W.J.C. no. 9080 of 2019 praying for setting aside the order/letters of rejection of his application, for sanctioning of loan to the tune of Rs. 70 lacs and for other reliefs.

5. By order dated 22.10.2019 this Court was pleased to dismiss the writ application. It is against this order that the instant appeal has been preferred.

6. Having heard learned counsel for the parties and taking into consideration the material on record it transpires from the order impugned dated 29.1.2019 that as per the Bank's circular dated 13.4.2016 and the reasons referred to therein, loans under the scheme are available for only green field projects but both partners of the firm have already availed the cash credit for the same activity as applied in the proposed loan. It further mentions that the cash credit availed by both the partners are for similar activity and the Bank has observed that the transaction in the existing cash credit accounts are not satisfactory and not as

per the Bank’s guidelines. In the said order other reasons have also been assigned by the Bank.

7. It may be stated here that it is settled law that the writ petition involving private individuals over financial transaction is not maintainable unless the order impugned is shown to be perverse. In the instant case having perused the contents of the application, decision having been taken by the Bank and its officials who are expects in their field, this Court is of the opinion that the appellant has not made out any case for grant of relief. Neither has any illegality being shown in the reasons assigned by the Bank nor has any cause been shown for interference in the order of the learned Single Judge.

8. There being no merit in this appeal, the same is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Prakash/-

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CAV DATE	
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