

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1827 of 2022

In
Civil Writ Jurisdiction Case No.2131 of 2022

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Asif Raza, S/o-Arif Raza, Resident of Village/Mohalla-Brahamasthan Muhali
Maidawa Bhangama Ward No.03, M.Babhangama, P.O.-Barauni, District-
Begusarai

... .. Petitioner/s

Versus

1. Shri Shanti Lal Jain, Managing Director and CEO, Indian Bank, Head Office, 66 Rajaji Salai, P.B. No. 1384 Chennai, India.
2. Shri Saket Kumar, Zonal Manager, Indian Bank, Bhagalpur.
3. Shri Manoj Kumar Authorized Officer, Indian Bank, Bhagalpur. Bihar.
4. Shri S.K. Sahi, Chief Manager and Authorized Officer, Indian Bank, Zonal Office, 1st Floor, Govind Bhawan, New Dak Bunglow Road, Patna 800001.
5. Shri Amit Kumar, Branch Manager, Indian Bank, Begusarai Branch, Hans Plaza, G.D. College Road, Meerganj, Begusarai, Bihar-851101.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Opposite Party/s : Mr. Shiv Mohan Saha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 06-02-2024 The petitioner has not complied certain directions in

the order dated 10.02.2022 passed in CWJC No. 2131 of 2022.

It is necessary to reproduce the relevant portion of the orders of

this Court which reads as under:

*“We are of the considered view
that the petitioner’s offer, at this stage, is
reasonable.*

*In view of the statement made by
the petitioner, the petitioner is directed to*



approach Respondent No. 3, namely, The Authorized Officer, Indian Bank, Begusarai, by filing a proper application, after depositing Rs. 5 Lakh, with a proposal for one time settlement and pay the amount mutually agreed upon in equal monthly installments spread over a period of six months and/or waiver of the component of interest, within two weeks and the concerned bank authorities are directed to consider and decide the same within next two months.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.”

2. If the petitioner is not in a position to give proposal for one time settlement in the absence of any calculation in that event in all fairness he should have requested the Bank calculation alongwith the interest on a particular date. Such request is not the made and so also there is non-compliance in



respect of giving proposal for one time settlement. Therefore, the present contempt petition is not maintainable. Accordingly, petition stands dismissed reserving liberty to the petitioner to file fresh petition. Before filing fresh petition he has to approach the concerned authority in seeking calculation as on particular date. If such information is furnished by the respondent- Bank in that event petitioner has to furnish a proposal for one time settlement. If such a proposal for one time settlement is feasible for the respondent-Bank in that event they may proceed or else they are permitted to pass speaking order and communicate to the petitioner.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

saaurabhkr/-

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