D/L.6.
March 11, 2024.
MNS.

WPA No. 5505 of 2023

Sri Mriganka Chatterjee
Vs.
Union of India and others

Mr. Swarup Banerjee,
Mr. Sajal Kumar Ghosh

… for the petitioner.

Ms. Sreemoyee Mitra

…for the respondent-bank.

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioner claims that the petitioner is entitled to an interest subsidy scheme.
3. Learned counsel for the petitioner relies on a communication to the petitioner on behalf of the respondent-bank dated September 22, 2015, which purportedly says that the application of the petitioner was forwarded to the Corporate Office, Customer Grievance Cell, and that interest subsidy is to be claimed by respective branches.
4. Learned counsel for the respondent-bank submits that despite the same, the bank has not taken any step for reimbursing the interest in terms of the subsidy to the petitioner. It is submitted that if such reimbursement is made, the petitioner's account balance shall show a

credit balance instead of the present debit balance.

5. Learned counsel for the petitioner places reliance on an unreported judgement of a co-ordinate Bench dated October 15, 2015 in *WP 314 of 2015 (Mr. Goutam De Vs. UCO Bank and others)* in support of his submissions.
6. Learned counsel for the bank places reliance on the order dated November 3, 2022 passed by a co-ordinate Bench in WPA 17873 of 2022, which is also annexed to the writ petition. Similar prayer of the petitioner was refused on the said occasion.
7. Learned counsel for the bank further submits that the petitioner has failed to repay the principal amount and as such is not entitled to the benefit of the subsidy scheme.
8. Clause 4 of the Subsidy Scheme, it is submitted, clearly envisages the repayment of the principal amount for getting the benefit of the same.
9. A perusal of the co-ordinate Bench order dated November 3, 2022 shows that the petitioner had made a similar approach when the learned Single Judge had observed that the petitioner admittedly approached the bank on several occasions for one-time settlement, which was rejected. The petitioner also did

not take any steps for eight years from 2014 onwards to repay the said amount or come to same sort of negotiable settlement with the Bank. It was observed further that the petitioner's son undisputedly had fully availed of the loan and completed his education and is now employed.

10. The learned single Judge parted with the matter by recording the submission of the bank that the petitioner was requested time and again to approach the bank, but the petitioner instead chose to avail of the remedy under Article 226 of the Constitution of India.
11. The learned Single Judge accordingly disposed of the writ petition with liberty to the petitioner to approach the bank for a negotiable settlement.
12. Till date the petitioner has not approached the bank but has filed the present writ petition again, thereby vexing the respondent-bank twice on self-same cause of action.
13. The petitioner has not repaid the principal amount, which is vindicated by the previous order of the learned Single Judge in respect of the petitioner's prior writ petition.
14. The facts of the judgment cited by the petitioner are entirely different, since the learned Single Judge therein had observed

that a defaulting borrower would be better off than a borrower who has serviced the loan regularly and has made deposits in the loan account on account of interest and on such premise had proceeded to grant relief, since the petitioner therein was recorded to have serviced the loan regularly.

15. In stark contrast thereto, the present petitioner has taken full advantage of the educational loan some time in 2014 but has as yet failed to repay the principal amount. Thus, the prayer of the petitioner for interest subsidy, which has already been turned down once, is not fit to be granted to the petitioner.
16. Accordingly, there is no merit in the writ petition.
17. WPA No. 5505 of 2023 is thus dismissed on contest with costs of Rs. 10,000/- to be paid by the petitioner to the respondent-bank within a week from date for having vexed the respondent-bank on several occasions for the self-same cause of action.
18. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)