

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17667 of 2017

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Krishnakant Singh Son of Late Dinanath Singh, resident of Village- Sihorian,
P.S.- Chand, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The Sasaram Bhabhua Central Cooperative Bank Limited
2. Managing Director, The Sasaram Bhabhua Central Co-operative Bank Limited, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra
For the Respondent/s : Mr.Surendra Kumar Mishra

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 07-07-2025

1. In spite of posting the matter as a last indulgence for the respondent-Bank, none appears. Counter affidavit has not been filed.

2. The Writ petition is filed seeking direction to command the respondent-Bank to pay interest @16% on the amount, which was paid to the petitioner way back in the year 2017 and it was due since 1994 with the respondent-Bank, on account, the amount was waived off by the Government, for distribution of fertilizers among the members of the PACS.



3. The Brief facts, as culled out from the Writ petition are that, in the year 1994, the petitioner was the chairman of Chand Sinhoria PACS. In pursuance of the direction of the respondent-Bank, had distributed fertilizers to various members under the Lohdan PACS and other PACS by availing loan from the corpus of PACS. The petitioner was also granted Rs. 14,620/- as subsidy, for the distribution of fertilizer. In lieu of distribution of fertilizers, the total amount due from the bank to the petitioner, as the chairman of the said PACS, was Rs. 22,78,328.50/-, which was never paid to him. The bank had received the entire amount with interest, after waiver of the loan by the Government of India. In the year 1995, the subsidy of Rs. 14,6220/- was received by the petitioner. However, the bank officials lodged a false case of embezzlement of amount, against the petitioner vide Sasaram P.S. Case No. 80 of 1995, under various Sections of the Indian Penal Code. Subsequently, in Trial No. 758 of 2017, the officials of the bank were examined as witnesses and they deposed that the bank had to



pay the dues to the petitioner. The Trial Court, i.e., ACJM-II, Sasaram, by order dated 17.08.2017, acquitted the petitioner from all charges by granting him benefit of doubt. In view of the acquittal, the bank is obliged to pay the due amount, which was received by the Bank from the Government in the year 2008.

4. Further, the petitioner made a representation, on 20.09.2017 to the Managing Director of the Bank, seeking payment of interest on the amount. In pursuance to the representation, the bank paid an amount of Rs. 25,19,157.48/-, but the interest was paid @4.8 % instead of 11%. The petitioner submitted a representation vide Annexure-I dated 20.09.2017, which is pending before the Bank authority. In the said representation, he sought for an interest of 16 % per annum from the bank.

5. Heard the Learned counsel for the petitioner. As none appeared for the Bank, the arguments of the Bank were treated to be heard.

6. On perusal of the record, it is evident that the representation of the petitioner vide Annexure-1,



dated 20.09.2017, is still pending before the Bank authorities, whereunder he has claimed the interest of 16% per annum on the amount of Rs. 22,78,328.50/- from the bank. This Court is of the considerable view that the respondent-Bank has to pay appropriate interest, as per the applicable rules, to the petitioner, as he is entitled to interest for the period, for which the said amounts were withheld by the Bank. Further, the Bank is also directed to dispose of the representation of the petitioner dated 20.09.2017 within two months from the date of receipt of this order.

7. With the aforesaid observations, the Writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

AMANDEEP/-

AFR/NAFR	NAFR
CAV DATE	NA/A
Uploading Date	15.07.2025
Transmission Date	

