

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR

WPA/798/2023

Subham Lall

Vs.

The Bank Manager and Another

Mr. Siddhartha Singha ... for the petitioner

Mr. N.A.Khan ... for the respondents

December 13, 2023
[SR]
Item No.1

This writ application is formally admitted.

As all the facts are contained in the writ petition and in the papers annexed thereto, it is possible for this Court to dispose of this writ application now.

The respondent bank had encouraged Entrepreneurship Development Programme (EDP) Training under PMEGP Scheme in collaboration with the Andaman and Nicobar Islands Khadi & Village Industries Board to generate rural self employment. The respondent bank also runs the Rural Self Employment Training Institute in Port Blair.

Learned counsel for the writ petitioner urged the following case.

The writ petitioner was desirous of being a tour operator by providing on hire a motorcar to tourists for sightseeing of the islands. He was on 9th January, 2018, provided a loan of Rs.8,50,000/- for this purpose by the respondent bank. It was payable over a period of 60 months with an EMI of

Rs.19,400/- inclusive of interest. After five years, the total amount payable was Rs.11,63,000/- with interest. There was attached to the scheme a subsidy provision by which interest of Rs.3,13,000/- paid was to be credited back to the account of the petitioner.

Admittedly the petitioner had defaulted in the payment of installments. In February, 2023, the car was seized by the bank.

Learned counsel for the petitioner submits that his client paid a sum of Rs.18,10,000/- to the bank. The bank sold the vehicle for Rs.4,34,777/- and after adjustment of their dues, credited Rs.10,000/- to the account of the petitioner.

The case of the petitioner is that he is a young person interested in generation of income by doing business. He had availed of the encouragement provided by the bank by way of the scheme, availed of the above loan, which on timely payment would have been substantially interest free.

Out of five years loan period, a substantial period was taken away by outbreak of Covid. Because of the outbreak of the pandemic, there was practically no tourist visiting the islands. The petitioner's business suffered.

The writ petitioner made a representation on 15th March, 2023 to the bank to consider his case which has not been considered as yet.

There is some substance in the contention of the writ petitioner for sympathetic consideration. The respondent bank is a statutory authority. It has been a sponsor of the above scheme and is a patron of the rural self employment training programme. It ought to have taken a fair and reasonable view of the predicament of the petitioner.

In that view of the matter, the respondent no .2 is directed to consider the said representation of the writ petitioner dated 15th May, 2023 on the basis of the observation made above and consider making a fair and equitable remission of interest charged and paid upon hearing the petitioner and by a reasoned order to be made within eight weeks of communication of this order.

The writ application is accordingly disposed of.

As affidavits are not invited, the allegations contained in the writ petition are deemed not to have been admitted.

(I.P.Mukerji, J.)