
(2020) 07 UK CK 0063
In the Uttarakhand High Court
Case No : Special Appeal No. 128 Of 2020

Dinesh Kumar Jain

APPELLANT

Vs

General Manager, Syndicate Bank And Another

RESPONDENT

Date of Decision : 31-07-2020

Acts Referred:

Citation : (2020) 07 UK CK 0063

Hon'ble Judges : Ravi Malimath, J; Narayan Singh Dhanik, J

Bench : Division Bench

Advocate : Pankaj Miglani, Sanjay Gaur

Final Decision : Dismissed

Judgement

Ravi Malimath, J

1. Aggrieved by the order passed by the learned Single Judge dismissing the writ petition, the writ petitioner is in appeal.

2. The writ petitioner was appointed as the approved valuer with the respondent-bank. It transpires that certain loan applications were moved by

certain customers, who had annexed the valuation reports of certain properties given by the writ-petitioner. The loan was granted, by the respondent-

bank, to these persons but they never purchased the property for which they had taken the loan.

3. Consequently, the respondent-bank had lodged an FIR against those customers in the year 2018. In the interregnum, a show-cause notice dated

04.07.2019 was issued by the respondent-bank asking the writ petitioner to explain the anomalies. There was no explanation given by the writ

petitioner to the same. On the contrary, the petitioner wrote a letter dated 08.07.2019 asking the respondent-bank as to what fraud has been

committed. No reply was received by the respondent-bank and, therefore, by the impugned order dated 19.07.2019, the petitioner's name was

removed by the respondent-bank from the list of approved valuers. Questioning the same, the instant writ petition was filed.

4. The learned Single Judge, who considered the writ petition, was of the view that, in terms of Clause 12 of the Conditions of Empanelment, the

respondent-bank has the right to terminate their empanelment at any time without assigning any reasons. The learned Single Judge further held that

since an adequate opportunity has been given, no right of the petitioner stands violated. Moreover, the question as to whether the valuer is right or

wrong was not in question before the learned Single Judge. On these grounds, the learned Single Judge dismissed the writ petition.

5. Shri Pankaj Miglani, learned counsel appearing for the appellant-writ petitioner, contends that the order passed by the learned Single Judge is

erroneous. He would submit that the learned Single Judge has failed to consider firstly that adequate material was not furnished to the writ petitioner

to make out an appropriate reply. Even otherwise the writ petitioner has served the respondent-bank with utmost devotion for the last 25 years.

Therefore, removing the name of the writ petitioner from the list of approved panel valuers is unjust.

6. On hearing learned counsels, we do not find any merit in this appeal. Adequate opportunity has been granted to the writ petitioner to submit his

reply to the respondent-bank. He has deliberately chosen not to do so. On the contrary, he has sought for material, which was not relevant, in order to

submit his reply.

7. This is not the case of the writ petitioner being a rustic person, who does not know how and in what manner to reply. The writ petitioner is a

professional. He knows his limitations, rights and duties. He has deliberately chosen not to reply. Secondly, in terms of Clause 12 of the Conditions of

Empanelment, the respondent-bank has the right to terminate their empanelment without assigning any reasons at all.

8. Therefore, we are of the view that the writ petitioner could not agitate against Clause 12 of the Conditions of Empanelment.

9. For all the aforesaid reasons, we find no ground to interfere in the well-considered order passed by the learned Single Judge. Consequently, the

appeal, being devoid of merit, is dismissed.