
(2002) 02 MP CK 0074

In the Madhya Pradesh High Court

Case No : Writ Petition No. 182 of 2002

Harishankar Mahlonia

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 26-02-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 02 MP CK 0074

Hon'ble Judges : A.K. Mishra, J

Bench : Single Bench

Judgement

Arun Mishra, J.—The petitioner who is depositors in Jabatpur Nagrik Sahakari Bank has deposited certain amount with the Bank. Reserve Bank of India has cancelled the licence of the respondent/Jabalpur Nagrik Sahakari Bank. Liquidator has been appointed.

2. The petitioner relies on decision of this Court in W.P. No. 1560/2001 in which it was directed that the Deposit Insurance Credit Guarantee Corporation can pay certain amounts if claimed by the Bank in a proper proforma. It was directed that the liquidator/Bank should lodge a claim in respect of the petitioners within two weeks and the Deposit Insurance Credit Guarantee Corporation shall send the permissible amount. The direction was issued without prejudice to the rights Bank before any other Court.

3. The question was also considered by this Court in W.P. No. 6385/2000 on 25.9.2001. The following order passed by this Court :

"By this writ petition though various averments have been made and prayers have been sought for, the grievance, in essence, is that the petitioner has deposited certain sum with the Jabalpur Nagrik Sahakari Bank Limited, the respondent No. 2 herein and while the amount is in deposit, the Reserve Bank of India, respondent No. 3 has cancelled the Banking Licence of the respondent No. 2 as a result of which the petitioner is not able to withdraw his deposit.

Mr. R.K. Jaiswal, learned Counsel for the petitioner submitted that the petitioner has deposited Rs. 1,53,000/- with respondent No. 2, Bank and the same should be refunded to him. Learned Counsel Mr. Tiwari, appearing for respondent No. 2, Bank submitted that as Banking licence has been cancelled the amount cannot be paid to the petitioner. At this juncture, Mr. Dharmadhikari, learned Counsel appearing for the Reserve Bank . of India, respondent No. 3 and Deposit Insurance Credit Guarantee Corporation., respondent No. 4 submitted that the respondent No. 2 cannot pay but the respondent No. 4 can pay one lac of rupees if claimed by the Bank in a proper proforma.

In view of the aforesaid, I am inclined to direct that respondent No. 2 would lodge a claim in respect of the petitioner, Dr. T.R. Dubey within a period of two weeks from today. Thereafter, the respondent No. 4 shall send a draft of one lac rupees to the petitioner on his present address. As far as the balance is concerned, the petitioner would be governed by the liquidation if done eventually. This direction is given without prejudice to the contention raised by the respondent No. 2 before any other Court.

The writ petition is accordingly disposed of."

4. The case of the petitioner is similar. Petitioner is one of the creditors and claim similar treatment by the respondents. In the circumstances, this writ petition is disposed of with the direction that the respondent No. 2 would lodge a claim in respect of the petitioner within a period of 2 weeks from today, in case the same has not been lodged so far. Thereafter the spondent No. 4, Deposit Insurance Credit Guarantee Corporation shall decide the claim and ake the payment of admissible amount. As far as balance is concerned and the rights of the parties, they are to be governed as per the observation made in the above quoted order.

5. Writ petition is disposed of.