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IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

Writ Petition No. 2923 of 2021

-AND-

IN THE MATTER OF:

An application under Article 102 of the Constitution of
the People's Republic of Bangladesh.

-AND-

IN THE MATTER OF:

Ajax Jute Mills Limited

.....Petitioner

-Versus-

The Government of Bangladesh and others

..... Respondents

None appears..... For the petitioner

None appears.....For respondents

Heard and judgment on: The 23rd November 2021

Present:

Mr. Justice Abu Taher Md. Saifur Rahman

And

Mr. Justice Md. Zakir Hossain

Abu Taher Md. Saifur Rahman, J

This Rule was issued on an application filed by the petitioner under Article 102 of the Constitution calling upon respondent No. 4, Sonali Bank Limited to show cause as to why a direction should not be given to exercise its jurisdiction as contemplated under sections 45 and 49(1)(Cha) of the Bank Companies Act, 1991 to dispose of the petitioner's application

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“দেশপ্রেমের শপথ নিন, দুর্নীতিকে বিদায় দিন”



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বাংলাদেশ
কোর্ট ফি

dated 09.02.2020 (Annexure-'C-1') in connection with the loan liabilities of the petitioner and/or pass such other or further order or orders as to this court seem fit and proper.

At the time of issuance of the Rule, this Court was pleased to give a direction upon respondent No. 4, Sonali Bank Limited to dispose of the petitioner's application dated 09.02.2020 as contained in Annexure-'C-1' to the writ petition within the period of 60 (sixty) days from the date of receipt a copy of this order in accordance with the law.

For the purpose of disposal of this Rule, the relevant facts may briefly be stated as follows:

In the instant writ petition, it has been stated that the petitioner company was handed over to the petitioner along with loan liability of Tk. 25.00 crores by a triparty agreement in 2003. Subsequently, the petitioner company has also obtained the various loan facilities amounting of Tk. 17.00 crores from 2004 to 2013 which was from time to time enhanced and rescheduled by the respondent bank. Subsequently, due to financial hardship, the petitioner failed to adjust the aforesaid loan amount. Accordingly, the respondent bank filed an Artha Rin Suit No. 345 of 2017 for the realization of the outstanding loan amount of Tk. 127,82,07,319.62/- (One hundred twenty-seven crores, Eighty-two lac, Seven thousand, Three hundred nineteen and Sixty-two paisa) which is now pending. During the pending of the suit aforesaid, the petitioner filed an application dated 09.02.2020 to the concerned bank respondent No. 4 for rescheduling the aforesaid loan under BRPD Circular No. 05 dated 16.05.2019 which is not disposed

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of as yet. Being aggrieved the petitioner has preferred this application before this Court and obtained the instant Rule and direction.

No one appears for the petitioner to support the Rule.

At the time of hearing none appears for respondent No. 4. However, respondent No. 4 has filed an affidavit in opposition wherein it has been stated that regarding the same matter the petitioner earlier filed a Writ Petition being No. 2923 of 2021 wherein the petitioner's application has already been disposed of by the respondent bank as evident from Annexure-'3' & '4' to the affidavit in opposition. However, as per the Court order dated 29.06.2021 the respondent bank has again disposed of the petitioner's application as evident from Annexure-'4' to the affidavit in opposition.

Since the petitioner's application has been disposed of and as such the instant writ petition has become infructuous.

As a result, the Rule is discharged.

Communicate the judgment and order at once.

Md. Zakir Hossain, J:

S. Rahman.

I agree.

Md. Zakir Hossain.

Attached
Typed by: Altaf:06.03.2022

Read by: 06.03.22

Exam.by: 06.03.22

Readied by: 06.03.22

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মোহাম্মদ মাহফুজুল হক
প্রশাসনিক কর্মকর্তা

06.03.22
মোঃ আবদুল মোমেন
সুপারিনটেনডেন্ট

প্রত্যায়িত অবিকল প্রতিলিপি

06.03.22
সহকারী রেজিস্ট্রার
বাংলাদেশ সুপ্রীম কোর্ট, হাইকোর্ট বিভাগ
(১৮৭২ ইং সনের ১নং আইনের)
৭৬ ধারামতে ক্ষমতা প্রাপ্ত

“দেশবন্ধুত্বের পথ নিন, দুর্নীতিকে বিদায় দিন”