

Court No. - 6

Case :- WRIT - C No. - 26879 of 2023

Petitioner :- Dhanjay Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Bhaju Ram Prasad Sharma, Arvind Kumar Srivastava

Counsel for Respondent :- CSC, Krishna Mohan Asthana

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Arvind Kumar Srivastava, learned counsel for the petitioner and Mr. Krishna Mohan Asthana, learned counsel for the respondent-Bank.

With the consent of learned counsel for the parties, this writ petition is being finally disposed of at this stage without calling for a counter affidavit.

This writ petition has been filed by the petitioner with a prayer to quash the impugned recovery citation dated 15.09.2019 and a further prayer to direct the respondent no.4; bank to accept the entire outstanding agricultural loan in easy installments in reasonable period without recovery and other charges.

Learned counsel for the petitioner submits that the petitioner had taken an agricultural loan of Rs.18,99,906.87/- from the concerned Bank, but due to personal difficulty, he could not pay the certain installments, therefore, recovery notice of Rs.22,12,459.00/- has been issued to the petitioner. He further submits that the petitioner is ready to deposit the entire recovery amount in easy installments within the time fixed by this Court.

Learned counsel appearing for the bank fairly states that as on date, the outstanding dues is 36,80,339/-. The bank is interested in realizing the entire amount alongwith interest. If the petitioner deposits the amount within the time granted by this Court, no further action shall be taken against the petitioner by the Bank.

Considering the facts and circumstances of the case and in the interest of justice, the present writ petition is ***disposed of*** with the following directions:-

(i) Petitioner shall deposit a sum of Rs.2,00,000/- on or before 28th December, 2023. Thereafter, the entire balance amount shall be

deposited in ten equal quarterly installments.

(ii) The installments shall be deposited in first week of respective calendar month.

(iii) Recovery proceedings during this period will be kept in abeyance. In case petitioner commits default in depositing any of the installments within the above stipulated time, it will be open to the respondents to start recovery proceedings again by taking coercive process to which the petitioner undertakes not to challenge.

(iv) Petitioner may file an application for supply of statement of account along with the duly stamped self addressed envelope. In case any such application is filed, the concerned branch of the Bank will give the same to the petitioner within fifteen days from the date of deposit of the first installment and in calculating the arrears, the amount (if any) already paid will be adjusted.

(v) If the entire amount is deposited by the petitioner, as directed above, no recovery charges shall be realized from the petitioner.

(vi) If any fact stated by the petitioner is found to be incorrect, it will be open for the authorities to move an application for modification/recall of the order.

Order Date :- 28.11.2023

Jitendra/-