

Court No. - 6

Case :- WRIT - C No. - 29779 of 2023

Petitioner :- Shashi

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Siya Ram Yadav

Counsel for Respondent :- C.S.C.,Arvind Singh

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Siya Ram Yadav, learned counsel for the petitioner, Mr. Arvind Singh, learned counsel for respondent-Bank and learned Standing Counsel for the State-respondents.

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

The present petition has been filed with a prayer to quash the impugned recovery certificate dated 2.7.2022 issued by respondent no.2, with a further prayer to direct the respondent no.3 to provide statement of account to the petitioner and not to recover collection charges over due amount.

Learned counsel for the petitioner submits that petitioner had taken agricultural loan of Rs.2/- lacs, from respondent bank, in the year 2010. She has paid the installments of the loan amount from time to time, but due to some personal difficulty she could not deposit a few installments. He further submits that the petitioner has already deposited Rs.3,10,000/- but, still, without giving any notice and statement of the loan account, recovery certificate has been issued to the petitioner showing the due amount to be Rs.4,94,730/-.

On the basis of instructions, learned counsel for respondent-Bank submits that, as on date, the outstanding amount towards loan is Rs.3,89,175/-. He further states that the Bank is interested in realizing the entire amount along with interest and 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.

Learned counsel for respondent-Bank passed on the statement of account to the Court, in which, outstanding amount towards loan is Rs.3,89,175/-.

Learned counsel for the petitioner further submits that the petitioner is ready and willing to deposit the recovery amount within the time fixed by this Court.

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

(i) Petitioner shall deposit a sum of Rs.50,000/- of the loan amount on or before 11th December, 2023. Thereafter, the entire balance amount shall be deposited in **four 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 commit 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 undertake 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 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 :- 8.11.2023

Rahul.