

Court No. - 6

Case :- WRIT - C No. - 31142 of 2023

Petitioner :- Bhagauti

Respondent :- Branch Manager U.P. Sahkari Gram Vikas Bank Limited

Counsel for Petitioner :- Arvind Kumar Srivastava, Archana Srivastava

Counsel for Respondent :- Vivek Kumar Rai

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Heard Ms. Archana Srivastava, learned counsel for the petitioner and Mr. Vivek Kumar Rai, learned counsel for the respondent-Bank.
2. 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.
3. The present petition has been filed with the prayer to direct the respondent to re-calculate the dues of K.C.C. Loan granted to the petitioner pursuant to the scheme of State Government and further prayer to direct the respondents to stop the threatening of recovery of loan dues without disclosing any amount after declaring N.P.A. of loan account.
4. Counsel for the petitioner submits that the petitioner had taken a loan of Rs.30,000/- in the year 2012 for agricultural purpose. Due to personal difficulty could not pay few installments, bank is recovering the outstanding dues. Copy of the statement of loan account (Annexure-2 to the writ petition) declares the loan account of the petitioner as N.P.A., the interest calculations as well as the amount has to be paid has already been explained. Now, the counsel for the petitioner submits that the petitioner is ready and willing to deposit the entire recovery amount in easy installments within the time fixed by this Court.
5. Learned counsel appearing for the respondent-Bank, on the basis of the instructions, submits that as on date, Rs.1,91,687/- is the outstanding dues towards the loan amount. He further states that the Bank is interested in realizing the entire amount alongwith interest and if the petitioner deposits the amount within the time granted by this Court, no further action shall be taken against him by the Bank.

6. 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.25,000/- of the amount on or before 17th November, 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 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 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 :- 17.10.2023

Saif