Court No. - 5

Case :- WRIT - C No. - 32795 of 2023

Petitioner :- Shiv Charan Lal
Respondent :- State Of U.P. And 2 Others
Counsel for Petitioner :- Rahul Saxena
Counsel for Respondent :- C.S.C.,Manoj Nigam

Hon'ble Piyush Agrawal,J.

Heard learned counsel for the petitioner, learned Standing Counsel for the State - respondent and 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 for issuing a writ of certiorari quashing the recovery of amount shown in auction advertisement/notice, issued against the petitioner.

The petitioner had taken a loan from the Bank, but due to default having been committed by the petitioner in making timely repayments of that loan, recovery proceedings have been initiated against him.

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

Learned counsel appearing for the bank fairly states that the bank is interested in realizing the entire amount alongwith interest. If the petitioner deposits the amount within the time allowed by this Court, no further action shall be taken against the petitioner by the Bank.

On the facts & 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. 50,000/- within a period of one month from today. Thereafter the entire balance amount shall be deposited i**n 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 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 :- 20.11.2023/A.P. Pandey

Digitally signed by :-
ANAND PRAKASH PANDEY
High Court of Judicature at Allahabad