

Court No. - 21

Case :- WRIT - C No. - 34049 of 2023

Petitioner :- Mustakin

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

Counsel for Petitioner :- Raj Kumar Tiwari, Lok Nath Shukla

Counsel for Respondent :- C.S.C., Satish Chaturvedi

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

1. Heard Sri Raj Kumar Tiwari, learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Sri Pankaj Srivastava, holding brief of Sri Satish Chaturvedi, learned counsel for the respondent-Bank.
2. With consent of learned counsel for the parties, the petition is being disposed of finally.
3. The petitioner has prayed for quashing of the citation to appear dated 23.5.2023 issued by respondent no.3 for recovery of the dues of respondent no.4. The amount shown to be recoverable under the citation is Rs. 5,26,632/- along with interest. It is not disputed that the petitioner had taken financial assistance from the respondent-Bank for running a business under a State sponsored scheme.
4. Learned counsel for the petitioner states that he is ready to pay the entire amount along with interest in easy installments, to which Sri Pankaj Srivastava, learned counsel for the respondent-Bank has no objection.
5. Learned counsel for the petitioner submits that the respondent-Bank has also initiated proceeding under the SARFAESI Act and the same are under challenge at the behest of the petitioner before the Debt Recovery Tribunal. It is urged that the respondent-Bank should not proceed further in the aforesaid proceeding, in the event the petitioner pays the outstanding amount in installments as agreed by learned counsel for the parties.

6. Sri Pankaj Srivastava, learned counsel for the respondent-Bank states that in case payment is made as per the schedule, which may be fixed by the Court, the respondent-Bank would not proceed further under the SARFAESI Act.

7. Accordingly, with consent of learned counsel for the parties, the petition is disposed of as follows:

(a) The petitioner will make payment of entire outstanding amount along with interest to the respondent-Bank in four equal quarterly installments. The first installment will become due and payable by 5th December, 2023 and the next installment would fall due on expiry of three months i.e. on 5th March, 2024 and so on.

(b) Along with the last installment, the petitioner will pay the entire outstanding interest as would be intimated to him by the respondent-Bank within a week from the date of deposit of the third installment.

(c) In case the petitioner strictly complies with the schedule relating to payment, the respondent-Bank as stated by his counsel, will not proceed further under the SARFAESI Act.

(d) In case of default on part of the petitioner in compliance of any of the conditions prescribed above, the instant order will stand discharged automatically and it shall become open to the respondent-Bank to proceed further in the matter, in accordance with law.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, J.)

Order Date :- 16.11.2023

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