

Court No. - 32

Case :- WRIT - C No. - 39270 of 2023

Petitioner :- Anmol Skhiksha Seva Samiti And Another

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

Counsel for Petitioner :- Pradeep Kumar Sharma, Amrita Singh

Counsel for Respondent :- C.S.C., Dharmendra Vaish

Hon'ble Salil Kumar Rai, J.

Hon'ble Surendra Singh-I, J.

Heard the counsel for the petitioner and Shri Dharmendra Vaish, Advocate representing the Prathama U.P. Gramin Bank arraigned as respondent no. 3 in the present petition.

The present petition has been filed challenging the recovery proceedings instituted against the petitioner in regard to SARFAESI Act, 2002 and for a mandamus commanding the respondent authorities to restore the physical possession of his property which has been taken over by the bank in proceedings under Section 13 of the Act, 2002. It has been stated in the writ petition that the due of the bank against the petitioner is approx Rs.20,13,130/-. The counsel for the petitioner states that the petitioner is ready to pay the amount in easy installments.

Shri Dharmendra Vaish, the counsel representing the bank, on instructions, states that the total dues against the petitioner is Rs.27,75,667/- plus interest on the aforesaid amount.

When confronted with the aforesaid, the counsel for the petitioner states that his client is ready to pay whatever amount is provided by the Bank in the statement of account to be supplied to the petitioner.

Shri Dharmendra Vaish, Advocate, states that the statement of account can be provided to the petitioner only when he deposits some amount so as to enable the bank to operate the account of the petitioner and calculate the interest accrued on the same till date.

It would serve no useful purpose to keep the petition pending.

The writ petition is ***disposed of*** with a direction that in case, the petitioner files an application before the Chief Manager, Prathama U.P. Gramin Bank and deposits Rs.5,00,000/- in the bank within one month from today, the bank shall provide the statement of

account to the petitioner indicating the total amount which includes the interest along with other charges due against the petitioner within 15 days from the date the petitioner deposits the amount as referred above. On receiving the statement of account, the petitioner shall deposit 25% of the total amount due against him, which shall include Rs.5,00,000/- already deposited by the petitioner as referred above, within one month from the date the statement of account is served on the petitioner and the balance amount shall be paid by the petitioner in six equal monthly installments starting from the date, the 25% of the amount is deposited as referred above.

Till a period of one year, proceedings against the petitioner before the Debt Recovery Tribunal shall remain stayed. The petitioner shall be restored the physical possession of the premises attached at the instance of the bank on payment of Rs.5,00,000/- as referred above.

In case of any default, proceedings before the Debt Recovery Tribunal shall be restarted.

Order Date :- 24.11.2023

Vipasha