

Court No. - 6

Case :- WRIT - C No. - 34470 of 2023

Petitioner :- M/S Shubh Enterprises And 2 Others

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

Counsel for Petitioner :- Sudhakar Shukla

Counsel for Respondent :- C.S.C., Ashish Agrawal

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Sri Sudhakar Shukla, learned counsel for the petitioners, Sri Ashish Agrawal, learned counsel for respondent nos. 3 and 4 and learned Standing Counsel for the State-respondent.

This writ petition has been filed inter alia for the following relief:-

"A) Issue an appropriate writ order or direction in the nature of certiorari quashing the impugned order dated 11.08.2023 passed by the respondent no. 2, enclosed as Annexure No. 1, to this writ petition.

B) Issue an appropriate writ order or direction, in the nature of mandamus, directing the respondents not to recover/deduct amount to Rs. 35,94,885/- along with pendent elite and future interest @ 10% simple per annum from 01/03/2023 till realization of the entire sum due and recoverable with costs, from the petitioner in pursuance of the impugned order.

C) Issue an appropriate writ order or direction, in the nature of mandamus, directing the respondents, not to take any coercive method against the petitioner for realizing the loan amount.

D) ..."

It has been stated by the learned counsel for the petitioner that pursuant to order dated 11.08.2023 he is ready and willing to deposit the entire amount as calculated by the Bank in easy installments.

Learned counsel for the respondent-Bank submits that the petitioner has the remedy of appeal against the order dated 11.08.2023. He further submitted that in the order itself the parties have been directed to appear before the Recovery Officer, DRT,

Allahabad, therefore, a proper application should be presented before the DRT. However, he has no objection in case the petitioners may move application before respondent no. 2 alongwith draft of Rs. 10 Lacs for the relief as prayed.

No useful purpose would be served by keeping this petition pending in view of the order, which the Court proposes to pass hereunder.

In view of the above without entering into merits of the case, this writ petition is finally disposed of with a direction to the petitioners to move an appropriate application alongwith draft of Rs. Ten Lacs before respondent no. 2 within two weeks from today along with a certified copy of this order and, if any such representation/application is made, the respondent no. 2, shall pass appropriate order, in accordance with law within a period of one month thereafter, if there is no other legal impediment.

For a period of 15 days no coercive action shall be taken against the petitioners.

Needless to say if no such application is filed by the petitioner, it is open to the authority concerned to proceed in accordance with law.

Order Date :- 16.10.2023

Arti