

Court No. - 40

Case :- WRIT - C No. - 35267 of 2023

Petitioner :- Rashmi Agarwal

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

Counsel for Petitioner :- Anupam Shyam Dwivedi, Smt. Richa Dixita, Sudhir Dixit

Counsel for Respondent :- C.S.C., Krishna Mohan Asthana

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner; Sri Krishna Mohan Asthana, learned counsel appearing for the respondent nos. 2 and 3 and learned Additional Chief Standing Counsel for State respondent no.1.
2. With the consent of learned counsel for the parties, this writ petition is being finally decided at this stage without calling for a counter affidavit.
3. By this writ petition, the petitioner has prayed for quashing impugned notice dated 04.05.2023 issued by respondent no.3, by which directing the petitioner to deposit a sum of Rs.63,30,672/- and 60 paise calculated up to 02.05.2023.
4. Learned counsel for the petitioner submits that the petitioner is ready to deposit the entire amount within the time fixed by this Court.
5. Learned counsel appearing for the respondent nos. 2 and 3 states that the respondent-bank is interested in realizing the entire amount along with 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 respondent-bank.
6. On the facts and circumstances of the case and in the interest of justice, we ***dispose of*** this writ petition with the following directions:
 - 1) The petitioner shall deposit an amount of Rs.10,00,000/- (Rupees Ten Lacs) within one month from today i.e. on or before 22.12.2023. On depositing the aforesaid amount, the respondent-bank shall provide a statement of account within two weeks from the date of deposit after adjusting the amount, if any, already deposited by the petitioner. The outstanding

amount shall be deposited by the petitioner in six equal quarterly installments.

2) First installment be paid on or before 15.02.2023 and thereafter within every two months. The amount shall be deposited by the petitioner with the respondent-bank. If the entire amount is deposited by the petitioner as directed above, no recovery charge shall be realized from the petitioner. In case of default in any of the conditions as mentioned above, the present order shall stand automatically vacated and recovery proceedings shall revive.

Order Date :- 21.11.2023

Prajapati