Court No. - 6

Case :- WRIT - C No. - 35583 of 2023

Petitioner :- Rakesh Kumar
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Sonu Kumar Tiwari
Counsel for Respondent :- C.S.C.,Manoj Nigam

Hon'ble Mrs. Manju Rani Chauhan,J.

The petitioner has filed present writ petition challenging recovery letter dated 19.06.2023 issued by respondent no. 3.

Learned counsel for the petitioner submits that the petitioner took a loan of Rs. 80,000/- in the year 2011, however, due to personal difficulty he could not re-pay the installments, therefore, auction notice for an amount of Rs. 3,21,010/- has been issued to the petitioner. Learned counsel for the petitioner further submits that the petitioner is ready and willing to deposit the entire recovery amount in installments within the time as stipulated by this Court.

Sri Manoj Nigam, learned counsel appearing for the Bank fairly states that the Bank is interested in realizing the entire amount alongwith interest and if the petitioner deposits the amount within the time granted by this Court, no further action shall be taken against him by the Bank.

Heard learned counsel for the parties and perused the record.

With the consent of learned counsel for the parties, this writ petition is being disposed of finally at this stage, in terms of Rules of the Court, without calling for counter affidavit.

Considering the facts and circumstances of the case and in the interest of justice, the present writ petition is disposed of with the following directions:-

(i) The petitioner shall deposit a sum of Rs.30,000/- as a first installment on or before 04.12.2023. After payment of the said installment, the Bank shall provide statement of account within a week calculating and adjusting the amount / installments paid by the petitioner. Thereafter, the entire balance amount shall be deposited by the petitioner in six 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) If the entire amount is deposited by the petitioner, as directed above, no recovery charges shall be realized from the petitioner.

(v) 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 :- 26.10.2023
DS

Digitally signed by :-
DIGAMBER SINGH
High Court of Judicature at Allahabad