

Court No. - 6

Case :- WRIT - C No. - 36069 of 2023

Petitioner :- Shyam Babu

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Mohd. Kamar Shah Alam

Counsel for Respondent :- C.S.C., Sanjai Singh

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Heard Mr. Mohd. Kamar Shah Alam, learned counsel for the petitioner and Sri Sanjai Singh, learned counsel for the respondent-bank.

2. With the consent of learned counsel for the parties, this writ petition is being finally disposed off at this stage without calling for a counter affidavit.

3. The present petition has been filed with the prayer to direct the respondents to re-calculate the dues of K.C.C. Loan granted to the petitioner pursuant to the scheme of State Government and further prayer to direct the respondents to stop the threatening of recovery of loan dues without disclosing any amount after declaring N.P.A. of loan account.

4. Learned counsel for the petitioner submits that the petitioner had taken K.C.C. loan of Rs.1,65,000/-/- from respondent-Bank in the year 2014. The petitioner has deposited some amount in the year 2017 and on 18.05.2022, a recovery citation was issued showing the amount of Rs.2,00,000/-. He further submits that respondents-authorities, however, wrongly calculating the outstanding dues and are threatening to recover the amount. Learned counsel for the petitioner submits that the petitioner is ready and willing to deposit the entire recovery amount in easy installments within the time fixed by this Court.

5. Learned counsel appearing for the respondent-Bank states that as on date the outstanding amount towards loan is Rs.2,00,000/-. He further 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.

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

*(i) Petitioner shall deposit a sum of **Rs.15,000/- of the amount on or before 17th November, 2023.** Thereafter, the entire balance amount shall be deposited 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) Petitioner may file an application for supply of statement of account along with the duly stamped self addressed envelope. In case any such application is filed, the concerned branch of the Bank will give the same to the petitioner within fifteen days from the date of deposit of the first installment and in calculating the arrears, the amount (if any) already paid be adjusted.

(v) If the entire amount is deposited by the petitioner, as directed above, no recovery charges shall be realized from the petitioner.

(vi) 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 :- 17.10.2023

Saif