

Court No. - 6

Case :- WRIT - C No. - 36843 of 2023

Petitioner :- Puran Lal

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Niyaj Ahamad, Mohd. Kamar Shah Alam

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

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Mohd. Kamar Shah Alam, learned counsel for the petitioner, Mr. Sanjai Singh, learned counsel for respondent-Bank and learned Standing Counsel for the State-respondents.

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.

The present petition has been filed with a prayer to quash the recovery citation dated 27.03.2020 issued by respondent no.2 of Rs.1,55,828/-+interest and recovery charges, with a further prayer to direct the respondents to provide opportunity to the petitioner to deposit the loan amount in easy installments and also provide the statement of account.

Learned counsel for the petitioner submits that the petitioner had taken a loan of Rs.1,50,000/- under the Kisan Credit Card (KCC) from respondent-Bank, in the year 2016. The petitioner has deposited the installment from time to time and lastly deposited the amount of Rs.46,984/- in the year 2018. Due to difficulty the petitioner could not deposit the rest outstanding towards loan, therefore, without any notice and providing any statement of account, the recovery citation dated 27.03.2020 demanding the

loan amount of Rs.1,55,828/- has been issued against him. Learned counsel for the petitioner submits that the petitioner is ready and willing to deposit the outstanding towards loan in easy installments within the time fixed by this Court.

Learned counsel appearing for the Bank states that as on 27.03.2020, the outstanding amount towards loan was Rs.1,55,828/-. He submits that the statement of actual outstanding towards loan will be provided to the petitioner along with statement of account within one month. 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 the him by the Bank.

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.20,000/- of the amount on or before 05th December, 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 :- 27.10.2023

Rahul.