

Court No. - 6

Case :- WRIT - C No. - 38861 of 2023

Petitioner :- Vimlendra Singh Baghel

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

Counsel for Petitioner :- Manoj Kumar, Monu Singh

Counsel for Respondent :- CSC, Habib Ahmad

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the petitioner, Mr. Habib Ahmad, learned counsel for respondent-bank and learned Standing Counsel for the State-respondent.

The present writ petition has been filed with a prayer to quash the impugned auction notice dated 20.10.2023 published in daily news paper Amar Ujala, by the bank/respondent no. 3 and direct the respondent to accept the compromise proposal/One Time Settlement dated 21.09.2023 and further prayed to direct the respondents not to auction the mortgage property of the petitioner.

Learned counsel for the petitioner submits that the petitioner had applied loan from respondent bank/respondent no. 3 to the tune of Rs. 52,35,000/- on 08.05.2014 for the purpose of business of Milk Dairy. He deposited the loan amount of Rs. 19,62,823/- from time to time. The respondent bank issued compromise proposal to the petitioner on 21.09.2023 for one time settlement and extended the time upto the year 2021 but the petitioner could not pay the amount as proposed by the respondent bank, therefore, auction notice has been published. Learned counsel for the petitioner further submits that as per compromise proposal given by the petitioner for one time settlement he had to pay Rs. 25,00,000/- out of which Rs. 19,00,000/- he has already paid. He next submits that he is ready and willing to deposit the rest amount within the time fixed by this Court.

On the aforesaid, learned counsel for respondent-bank on the basis of instruction as received, submits that as on date the outstanding amount is about 45,04,604/-. He further submits that the petitioner could not avail the compromise proposal as given by the respondent-bank, therefore, the relief as prayed cannot be granted.

With the consent of learned counsel for the parties, this writ petition is being finally disposed off at this stage with a direction

that in case the petitioner approaches the Bank within two weeks by means of filing a representation, the respondent-bank may look into the matter and do the needful within one month.
Needless to say no interim order has been passed.

In case no representation has been moved by the petitioner, it is open to the authorities concerned to proceed in accordance with law.

Order Date :- 21.11.2023

Arti