

Court No. - 6

Case :- WRIT - C No. - 38855 of 2023

Petitioner :- Ubais Ali Khan

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Abhay Kumar Srivastava

Counsel for Respondent :- CSC,Manoj Nigam

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Abhay Kumar Srivastava, learned counsel for the petitioner and Mr. Manoj Nigam, learned counsel for the respondent-Bank.

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

This writ petition has been filed by the petitioner with a prayer to quash the recovery citation for an amount of Rs.10,34,620/- plus collection charges and interest dated 21.09.2023 issued by respondent no.4; Tehsildar, Tehsil Meerganj, District-Bareilly and no coercive measure be taken against the petitioner in pursuance of the recovery citation dated 21.09.2023.

Learned counsel for the petitioner submits that the petitioner had taken a loan of Rs.2,00,000/- from the concerned Bank for the purpose of horticulture, but due to some personal difficulty, he could not pay the certain installments, therefore, recovery notice of Rs.10,34,620/- has been issued to the petitioner. He further submits that the petitioner is ready to deposit the entire recovery amount in easy installments within the time fixed by this Court.

Learned counsel appearing for the bank fairly states that as on date, the outstanding dues towards loan amount, which has to be paid by the petitioner is Rs.11,21,960/-. However, he submits that the bank is interested in realizing the entire amount alongwith interest. If the petitioner deposits the amount within the time granted by this Court, no further action shall be taken against the petitioner by the Bank.

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) Petitioner shall deposit a sum of Rs.100,000/- on or before 16th January, 2024. Thereafter, the entire balance amount shall be deposited in eight 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 will 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 :- 5.12.2023

Jitendra/-