

Court No. - 6

Case :- WRIT - C No. - 38982 of 2023

Petitioner :- Netrapal Singh

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

Counsel for Petitioner :- Jai Prakash Rai,Om Prakash

Counsel for Respondent :- C.S.C.,Manoj Nigam

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard learned counsel for the petitioner, Mr. Manoj Nigam, learned counsel for the respondent-Bank and learned Standing Counsel for the State-respondents.

This writ petition has been filed by the petitioner with a prayer to direct the respondent no.4 to provide the statement of account to the petitioner in compliance of the order dated 07.04.2023 passed by the Co-ordinate Bench of this Court and a further prayer to direct the respondent no.4 to charge the rate of interest according to Reserve Bank of India guidelines for the agricultural purposes.

Learned counsel for the petitioner submits that earlier the petitioner had approached before this Court by means of filing Writ-C No.11382 of 2023 (Netrapal Singh vs. State of U.P. and 3 Others), wherein the Co-ordinate Bench of this Court on 07.04.2023 passed the following order:-

"Present petition has been filed by the petitioner challenging the recovery certificate dated 07.12.2022.

Learned counsel for the petitioner states that the petitioner is ready and willing to pay the entire outstanding in easy installments.

Learned counsel for the respondent has no objection to the said proposal.

In view thereof, the present petition is disposed off providing that the respondent/Bank, on the petitioner approaching, shall forthwith provide statement of account to the petitioner and the recovery issued against the petitioner shall not be affected subject to the petitioner depositing Rs.25,000/- on or before 30.05.2023.

The balance amount shall be paid by the petitioner in four equal installments. Meaning thereby, the first installment shall be paid by 31.08.2023, second installment by 30.11.2023, third installment by 29.02.2024 and the last installment alongwith interest shall be paid by 30.06.2024.

In case of default, the present order shall automatically come to an end.

It is made clear that the petitioner shall not be required to pay any recovery charges if the amounts are paid as directed above."

Accordingly, the petitioner was directed to pay an amount of Rs.25,000/- on or before 30.05.2023. The respondent-Bank was directed to provide statement of account to the petitioner and the remaining amount was to be deposited by the petitioner in four equal installments.

He further submits that in compliance of the aforesaid order, the petitioner deposited the amount of Rs.25,000/- on 30.05.2023, after which the statement of account has not been provided to the petitioner, so that he may pay the remaining amount in installments as directed by the Court, therefore, the present writ petition has been filed.

On the other hand, learned counsel for the respondent-Bank submits that the petitioner did not approach the Bank, therefore, the statement of account could not be provided. However, as on date, the outstanding amount is Rs.1,59,956/-.

Learned counsel for the petitioner is disputing the outstanding amount as he states that as per the notice dated 15.05.2019, the petitioner was required to pay Rs.1,60,000/-, whereas as per the notice dated 30.1.2020, the petitioner was required to pay Rs.1,27,000/-

In view of the above, this Court feels that in case, the statement of account was not provided to the petitioner as directed by the Co-ordinate Bench of this Court vide order dated 07.04.2023 passed in Writ-C No.11382 of 2023, a contempt petition should have been filed. Even otherwise, in case the petitioner is disputing the outstanding amount, he should move a representation before the respondent-Bank instead of filing the second petition for nearly the same cause of action.

Accordingly, the instant writ petition is **dismissed**.

Order Date :- 6.12.2023

Jitendra/-