

Court No. - 3

Case :- WRIT - C No. - 39489 of 2023

Petitioner :- Narayan Singh

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

Counsel for Petitioner :- Arvind Sen Gupta

Counsel for Respondent :- C.S.C.,Amrish Sahai

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

1. When Rs.18,54,609/- was being recovered from the petitioner, the petitioner approached this Court by means of Writ-C No.27625 of 2023 wherein, on 18.8.2023, the following order was passed :-

"Heard learned counsel for the petitioner, learned Standing Counsel for the respondent State, and Sri Habib Ahmad, learned counsel appearing for the respondent Bank.

It is stated that petitioner has taken loan for commercial purposes, but the same could not be repaid as per the terms of agreement. An auction notice dated 18.7.2023 for a sum of Rs.18,54,609/- has been issued against the petitioner. This writ petition has been filed with the averment that petitioner is ready and willing to deposit the amount, in case the petitioner is permitted to do so in installments.

Learned counsel appearing for the respondent Bank has no objection in accepting the amount in installments.

Having regard to the fact that petitioner has offered to pay the entire amount due against him, in our view, the ends of justice require that the petitioner be granted opportunity to deposit the entire outstanding amount due against him in the following manner:

(i) Petitioner shall deposit a sum of Rs.5,00,000/- on or before the date of auction with the respondent Bank.

(ii) In case the amount, as indicated above, is deposited by the period

prescribed, the respondent Bank shall provide a fresh schedule for repayment of balance amount in two equal bi-monthly installments and the same shall be deposited by the petitioner, accordingly. Statement of account shall also be furnished to the petitioner.

(iii) No recovery charges shall be recovered from the petitioner by the respondent authorities.

(iv) Till the period prescribed for depositing of initial amount and if such deposit is made then during the period of deposit of installments, the recovery proceedings will be kept in abeyance. In case the petitioner defaults in depositing initial amount or thereafter installments within the stipulated period, it will be open for the respondents to revive recovery proceedings against the petitioner, in accordance with law.

With the aforesaid observations/directions, this writ petition stands disposed of. No order is passed as to costs."

2. Learned counsel for the petitioner states that the petitioner had deposited Rs.5 lacs. However, he could not deposit the remaining amount as was provided in the order dated 18.8.2023. Learned counsel for the petitioner further states that no date for auction etc. has been fixed yet.

3. Sri Amrish Sahai, learned counsel appearing for the respondent-Bank states that if the petitioner is ready to deposit the amount as is due as of today in two equal bi-monthly installments, then the petitioner can do so even today. Learned counsel for the Bank has informed that as of today Rs.14,24,367/- plus interest is payable by the petitioner.

4. Under such circumstances, we give the petitioner one more chance to pay off his dues i.e. Rs.14,24,367/- plus interest in two equal bi-monthly installments. It is further provided that when the second installment is to be paid, the Bank shall inform the petitioner the interest which would have accrued by that date. However, in default, the Bank would be free to take action

in accordance with law.

5. With these observations, the writ petition stands disposed of.

Order Date :- 17.11.2023

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(Manoj Bajaj, J.)

(Siddhartha Varma, J.)