

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8369 of 2023

Applicant :- Rajesh Chaudhary

Opposite Party :- Alok Sachan Branch Manager Of Uttar Pradesh Shahkari Gram Vikas

Counsel for Applicant :- Shashi Prakash Giri

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 20.07.2023 while deciding Writ-C No.21063 of 2023 had passed the following order:-

"Heard Mr. Shashi Prakash Giri, 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 off at this stage without calling for a counter affidavit.

The present petition has been filed with the following prayers:

"(i) issue a writ, order or direction, in the nature of certiorari quashing the impugned recovery citation dated 12.12.2022 issued by the respondent no. 2 against the petitioner for depositing an outstanding due amount of Rs. 3,40,000/- within 15 days from the date of service of the impugned recovery citation.

(ii) issue a writ, order or direction, in the nature of certiorari to quash the impugned attachment/kurki order dated 19.06.2023 passed by respondent no. 2 for mortgaged land property of the petitioners.

iii) issue a writ, order or direction, in the nature of mandamus directing the respondent authority/Bank not to take any coercive measure against the petitioner in the garb of impugned recovery citation attachment/kurki orders in any manner."

On 10.07.2023, the following order has been passed:-

"Heard Mr. Shashi Prakash Giri, learned counsel for the petitioner and Mr. Manoj Nigam, learned counsel for the respondent-Bank.

Learned counsel for the petitioner submits that the petitioner took a loan of Rs. 70,000/- in the year 2008-09 from the concerned Bank but due to some personal difficulty he could not maintain the regular payment of installments,therefore, recovery citation dated 12.12.2022 of Rs.3,40,000/- has been issued against him without giving the benefit of one time settlement as quoted by the government and recovering interest of an amount which is more than the principal amount.

Learned counsel for the respondent-bank submits that he is ready and willing to consider the aforesaid grievance of the petitioner in case the petitioner deposits the principal amount of Rs. 70,000/-.

In view of the above, the petitioner is directed to deposit Rs. 70,000/- by 18th July, 2023 before the respondent-Bank.

Put up this matter as fresh on 20th July, 2023."

In compliance of aforesaid order the petitioner has already deposited Rs. 70,000/- before the respondent-bank.

Learned counsel for the petitioner submits that the petitioner is ready and willing to deposit the rest outstanding amount of Rs. 2,35,596/- within the time fixed by this Court.

Learned counsel appearing for the Bank fairly 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) The rest outstanding amount shall be deposited by the petitioner in four monthly equal 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) The petitioner may file an application before the respondent-bank requesting to avail the benefit of any of the existing government schemes to review the loan amount and the same shall be decided as expeditiously as possible, in accordance with law.

(vi) If the entire amount is deposited by the petitioner, as directed above, no recovery charges shall be realized from the petitioner.

(vii) 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.

It is made clear that deposition of the amount shall not be affected in case representation is moved."

Learned counsel appearing for the applicant has submitted that the two installments have already been deposited by the applicant, but the bank has not considered the application filed before it in view of clause-v of the order of the writ Court.

This Court finds that the Court had directed the applicant to deposit the outstanding amount in four monthly equal installments, which the applicant, till date, has not complied and all the installments have not been deposited.

No case for contempt is made out.

Contempt application is misconceived and the same stands dismissed.

Order Date :- 20.11.2023
SK Goswami