

Court No. - 9

Case :- WRIT - C No. - 5154 of 2023

Petitioner :- M/S Mamta Namkeen Uddyog Prop. Shri Udai Raj Nishad

Respondent :- Collector / D.M. , Gonda And Others

Counsel for Petitioner :- Ambrish Tripathi

Counsel for Respondent :- C.S.C.,Alok Saxena

Hon'ble Dinesh Kumar Singh,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Ambrish Tripathi, learned counsel for the petitioner and Sri Alok Saxena, learned counsel for the respondent nos. 2 & 3.
2. The present petition under Article 226 of the Constitution of India has been filed seeking quashing of the demand notice dated 16.08.2022 for an amount of Rs. 13,41,225/- with interest and additional expenses.
3. The petitioner had obtained loan of Rs. 14 lacs in 2014 and the loan amount of the petitioner turned N.P.A. on 27.12.2020 due to non payment.
4. Learned counsel for the petitioner submits that the petitioner became seriously ill as he was diagnosed with cancer as a result thereof there are outstanding dues against him. He further submits that the petitioner is willing to deposit the amount to the Bank provided that he may be granted some time.
5. Sri Alok Saxena, learned counsel for the Bank submits that in pursuance of the sale notice, today is the date fixed for sale of the mortgaged property of the petitioner. However, he has no objection if the petitioner deposits Rs. 5 lacs within a period of two weeks from today. He has left to the Court to balance the equities.
6. Considering the illness of the petitioner and fairness of the counsel for the Bank, we are of the view that the petitioner should deposit a sum of Rs. 5 lacs within a period of two weeks from today and the remaining amount should be deposited within a period of six months thereafter. After depositing the sum of Rs. 5 lacs, the petitioner shall approach the Bank for one time settlement, if such a scheme is available with the Bank. If the scheme is not available with the Bank for one time

settlement, the Bank shall fix installments for the remaining amount to be paid within a period of six months. If the petitioner deposits the amount of Rs. 5 lacs within a period of two weeks from today, sale of the mortgaged property shall not be given effect to.

7. If the petitioner fails to deposit the remaining amount within a period of six months, if the OTS scheme is not available, the Bank would be at liberty to proceed in accordance with law for realisation of its dues.

8. With the aforesaid direction, the present writ petition stands **disposed of**.

(Syed Qamar Hasan Rizvi, J.) (Dinesh Kumar Singh, J.)

Order Date :- 21.6.2023

Abhishek Gupta