

Court No. - 17

Case :- WRIT - C No. - 10299 of 2023

Petitioner :- Mohammad Akhtar Khan

Respondent :- State Of U.P. Thru. District Magistrate Amethi
And 3 Others

Counsel for Petitioner :- Anil Kumar Mishra

Counsel for Respondent :- C.S.C., Vinod Kumar Singh

Hon'ble Alok Mathur,J.

1. Heard Sri Shyam Bahadur, Advocate holding brief of Sri Anil Kumar Mishra, learned counsel for the petitioner, learned Standing counsel on behalf of respondent Nos. 1 & 2 and Sri Vinod Kumar Mishra, learned counsel appearing on behalf of respondent-bank and perused the record.

2. By means of the present writ petition, the petitioner has challenged the notice dated 25.05.2023 whereby the respondents - bank is proceeding to realize the outstanding amount of loan taken by the petitioner.

3. It has been submitted by learned counsel for petitioner that petitioner has taken agricultural loan from Uttar Pradesh Bhoomi Vikas Bank Limited through its Branch manager, branch Officer located at Jagdishpur, district Amethi for the purposes of poultry farming in the year 2015 for an amount of Rs. 3,00,000/-. However, due to some financial crunch and also due to Covid-19 pandemic, the petitioner could not pay the installments in time and consequently the said amount has been declared as NPA.

4. Learned counsel for respondent on the other hand had proceeded recovery proceedings and a notice has been issued to the petitioner in this regard on 25.05.2023 wherein outstanding amount indicated against petitioner is 736435/-.

5. Learned counsel for petitioner has submitted that petitioner is ready and willing to repay the outstanding amount in easy installments.

6. Learned counsel for the respondent-bank on the basis of instructions submits that in case the petitioner is ready and willing to repay the outstanding amount, the respondent-bank would have no objection in case the same is repaid in easy installments.

7. In view of the above and with the consent of the parties the petition is disposed of finally with following directions:-

(i) The petitioner shall deposit an amount of Rs.2,00,000/- within six weeks from today.

(ii) In case the petitioner deposits the said amount, the recovery /auction proceedings initiated against the petitioner shall be kept in abeyance.

(iii) The remaining amount shall be deposited by the petitioner in six equal quarterly installments starting from 7th April, 2024.

(iv) The respondent bank shall intimate to the petitioner the total outstanding amount along with interest prior to falling due of the last installment so that the petitioner can pay the entire amount along with interest in the last installment.

(v) In case the petitioner does not pay or fails in depositing any of the aforesaid installments the benefit of this order shall not be available to him and the bank shall be at liberty to recover the same in accordance with law.

(Alok Mathur, J.)

Order Date :- 24.11.2023

Ravi/