

Court No. - 17

Case :- WRIT - C No. - 10652 of 2023

Petitioner :- Moeed Alias Moeed Ahmad

Respondent :- State Of U.P. Thru. Secy. Revenue Govt. Civil Sectt. Lko And 4 Others

Counsel for Petitioner :- Shiv Kumar,Rohit Kumar

Counsel for Respondent :- C.S.C.,Prashant Kumar Srivastava

Hon'ble Alok Mathur,J.

1. Heard Sri Shiv Kumar, learned counsel for the petitioner, learned Standing counsel on behalf of respondent Nos. 1 to 4 and Sri Prashant Kumar Srivastava, learned counsel appearing on behalf of respondent-bank/respondent No. 5 and perused the record.

2. The petitioner is aggrieved by the recovery proceedings initiated by respondent No. 5 wherein an order of seizure of property has been issued on 27.09.2023 passed by respondent No. 3. In pursuance with the recovery for an amount of Rs. 664104/-.

3. It has been submitted by learned counsel for petitioner that petitioner has taken an agricultural loan amounting to Rs. 5 lakhs from the respondent -bank on 26.03.2019. It is stated that there was default in depositing the installments for the aforesaid loan consequent to which the said loan was declared NPA and recovery proceedings have been initiated against the petitioner. It has also been submitted by learned counsel for petitioner that petitioner has deposited certain amounts towards outstanding amount of loan but the same has not been credited by the respondent-bank.

4. After arguing at some length, learned counsel for petitioner submits that petitioner is ready and willing to pay outstanding amount of loan and further prays that any amount paid towards aforesaid loan may be directed to be taken into account by the respondent-bank.

5. Sri Prashant Kumar Srivastava, learned counsel for respondent-bank does not object to the prayer made by learned counsel for petitioner.

6. Accordingly, with the consent of parties, the writ petition is disposed of finally with following directions:-

(i) The petitioner shall deposit an amount of Rs. 1,50,000/- within six weeks from today.

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

(iii) The respondent bank shall provide detail statement of accounts/remaining outstanding amount within next ten days of the said deposit.

(iv) The petitioner is at liberty to move appropriate application to the respondent-bank in case he disputes the said amount.

(v) The remaining amount shall be deposited by the petitioner in six equal quarterly installments starting from 23rd April, 2024.

(vi) 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 :- 8.12.2023

Ravi/