

GAHC010290882023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7523/2023

ABU TALEB
S/O- JAYNAL ABDIN, VILL. AND P.O. NAPAM, PS. TEZPUR, DIST-
SONITPUR, PIN- 784028, ASSAM

VERSUS

PUNJAB NATIONAL BANK AND 3 ORS
HAVING ITS REGISTERED HEAD OFFICE AT PLOT NO. 4, SECTOR 10,
DWARKA, NEW DELHI-10075, REPRESENTED BY ITS CHIEF MANAGING
DIRECTOR.

2:THE ZONAL MANAGER

PUNJAB NATIONAL BANK
NILGIRI MANSION
G.S. ROAD
BHANGAGARH
GHY-781005.

3:CHIEF MANAGER

AUTHORIZED OFFICER OF PUNJAB NATIONAL BANK CIRCLE SASTRA
CENTRE
NAGAON
HALADHAR BHUYAN MARKET
NAGAON- 782003
ASSAM

4:THE MANAGER

PUNJAB NATIONAL BANK
NAPAM

TEZPUR UNIVERSITY CAMPUS
SONITPUR-784028

Advocate for the Petitioner : MR. N H LASKAR

Advocate for the Respondent : SC, PNB

BEFORE

HON'BLE THE CHIEF JUSTICE (ACTING) MR. LANUSUNGKUM JAMIR

HON'BLE MR. JUSTICE KARDAK ETE

O R D E R

01.02.2024

(L.S. Jamir, C.J(Acting))

Heard Mr. N. H. Laskar, learned counsel for the petitioner. Also heard Mr. A. Dhanuka, learned counsel, Punjab National Bank for all the respondents.

2. The petitioner took a Term Loan of Rs. 4,80,000/- (Rupees four lakhs eighty thousand) only bearing Account No. 1866300002813 and another Term Loan of Rs.50,000/- (Rupees fifty thousand) only bearing Account No.1866300002073 totaling to an amount of Rs.5,30,000/-(Rupees five lakhs thirty thousand) only. The petitioner was paying the interest amount till the onset of Covid-19. Thereafter, as there were some problems with his business, he defaulted in paying the interest loan and accordingly, the respondent bank issued Sale Notice for sale of immovable property on 28.11.2023 for an amount of Rs.4,24,728.31/- (Rupees four lakhs twenty four thousand seven hundred twenty eight and paise thirty one) only. Thereafter, the respondent bank issued

another Sale Notice for sale of immovable property dated 30.11.2023 only on the basis of "As is where is", "As is what is" and "Whatever there is".

3. When this matter was heard on 21.12.2023, the learned counsel for the petitioner submitted that the petitioner is willing to pay 25% of the outstanding due on or before the 2nd of January, 2024. Accordingly, this Court directed the petitioner to pay 25% of the outstanding due to the respondent bank on or before 2nd of January, 2024 and both the sale notices dated 28.11.2023 and 30.11.2023 were suspended.

4. The petitioner has filed an additional affidavit indicating that the petitioner has paid an amount of Rs.95,500/- (Rupees ninety five thousand five hundred) only in the Account No. 1866300002813 on 30.12.2023 and an amount of Rs. 14,500/- (Rupees fourteen thousand five hundred) only in the Account No. 1866300002073.

5. The learned counsel for the petitioner submits that the petitioner would be filing a representation for one time settlement before the respondent bank for consideration of the bank.

6. In view of the above, this writ petition is disposed of directing the petitioner to make an application for one time settlement before the respondent No.3/ Chief Manager, Authorized Officer of Punjab National Bank, Circle SASTRA Centre, Nagaon within a period of 10(ten) days from today. Thereafter, the respondent bank shall consider the application made by the petitioner for one

time settlement and pass appropriate order(s) within a period of 15(fifteen) days from the date of receipt of the application.

7. With the above observations and directions, this writ petition is disposed of.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant