

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.332 of 2017 (O&M)

Date of Decision:-September 13, 2017

Kanshi Ram

.....Petitioner

Versus

Sub Divisional Officer (Civil), Narnaul and others

.....Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill

Present : Mr. J.P. Sharma, Advocate for the petitioner.

Mr. D.S. Bainola, Advocate, for respondent No.2.

Rajesh Bindal J:

The petitioner has filed the present petition challenging the order dated 29.9.2015 passed by respondent No.1-Sub Divisional Officer (Civil), Narnaul on an application filed by the bank under Section 8 of the Haryana Agricultural Credit Operations and Miscellaneous Provisions (Bank) Act, 1973. In terms of the aforesaid order, the petitioner is to pay a sum of ₹6,62,207/- against two loans raised by him along with interest, for recovery of which the bank was permitted attachment and auction of the mortgaged land. On January 13, 2017, the counsel for the petitioner stated before the Court that he is prepared to discharge the outstanding loan amount, in case reasonable rate of interest is charged by the bank as a consequence his land will be saved from auction. To show his bonafides, he paid a sum of ₹3 lacs to the bank, as is noticed in the order dated 16.2.2017. On 26.7.2017, this Court directed respondent No.2-Bank to calculate the amount due from the petitioner, while charging simple interest. When the case was taken up on September 1, 2017, learned counsel for the bank had handed over a copy of the statement

calculating the amount due as on 31.8.2017 charging simple interest. Interest has been calculated at the agreed rate of interest against the sanctioned loans and no penal interest has been charged. In terms thereof, the petitioner is to pay a sum of ₹2,93,999/- after adjusting the payments already made.

Learned counsel for the bank submitted that if the interest had been calculated at compound rate of interest, then the amount due would be ₹3,50,893/-.

Learned counsel for the petitioner submitted that the petitioner may be given liberty to point out to the bank, in case there is any error in calculation of interest in the statement furnished by the bank. To this, learned counsel for the bank does not have any objection. He further submitted that the petitioner will pay the aforesaid amount within a period of three months.

After hearing learned counsel for the parties and considering the submissions noticed above, in our opinion the present petition can be disposed of by modifying the impugned order passed by the Sub Divisional Officer (Civil), Narnaul with a direction to the petitioner to pay amount of ₹2,93,999/- within a period of three months. Till such time the aforesaid amount is paid by the petitioner, the bank shall not be entitled to auction the mortgaged property. On payment of the aforesaid amount, the account of the petitioner shall stand settled.

Ordered accordingly.

(Rajesh Bindal)
Judge

September 13, 2017

pankaj

Whether speaking/reasoned

Whether reportable

(Gurvinder Singh Gill)
Judge

Yes/No

Yes/No