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HIGH COURT OF CHHATTISGARH, BILASPUR

M.C.C No.241 of 2018

1. M/s Madhuram Plaza Inn Pvt. Ltd. Maitri Nagar, Risali, Bhilai-490006, Through Director Pravin Kumar Singh S/o Late Shri R.B.Singh, Aged About 45 Years, Palash Enclave, Ispat Nagar, Risali, Bhilai, District Durg, Chhattisgarh, P.S. Newai, District : Durg, Chhattisgarh
2. Smt. Laxmi Singh W/o Shri Praveen Kumar Singh Aged About 40 Years R/o Plot No. B-05, Palash Enclave, Ispat Nagar, Risali, Bhilai, P.S. Newai District Durg, Chhattisgarh,
3. Navin Kumar Singh S/o Late Shri R.B.Singh Aged About 47 Years R/o Plot No. B-05, Palash Enclave, Ispat Nagar, Risali, Bhilai, P.S. Newai District Durg, Chhattisgarh,

----Applicants

Versus

1. Bank Of India through Chief Manager, Bhilai, Mid-Corporate Branch, Shop No.111, First Floor, Grace Plaza, Priyadarshini Parisar, Nehru Nagar Square, Bhilai, District : Durg, Chhattisgarh
2. Regional Manager, Bank Of India, Raipur Zonal Office, First Floor, G.D. Sesh Nilayam, Tatya Para, Raipur, District Raipur, Chhattisgarh,
3. District Magistrate Collectorate Durg, Chhattisgarh, District

---- Non-applicants

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For Applicant:	Shri Khistij Sharma, Advocate.
For Non-Applicants No.1 & 2:	Shri Anand Shukla, Advocate.
For Non-Applicant No.3/State:	Shri Raj Kumar Gupta, Deputy Advocate General.

Hon'ble The Chief Justice

Hon'ble Shri Justice Sanjay Agrawal

Order on Board

Per **Thottathil B. Radhakrishnan, Chief Justice**

04/04/2018

1. This is an application seeking clarification of the order dated 08.12.2017 passed in Writ Appeal No.421/2017.

2. We have heard learned Counsel for the Applicants, learned Counsel

for Non-Applicants No.1 & 2 – the secured creditors along with Non-Applicant No.3/State represented by learned Deputy Advocate General.

3. The Applicants who are secured debtors filed the Writ Appeal being aggrieved by the dismissal of the Writ Petition relating to a matter touching a secured loan transaction. During the course of the Writ Appeal, it was noted that the parties had room for negotiation because there was an OTS (One Time Settlement) Scheme extended and an offer being made in that regard. Therefore, the parties discussed on that aspect and it was thereafter that the order dated 08.12.2017 was passed disposing of the Writ Appeal, essentially noticing that the parties have chosen to stand by the OTS. The only OTS offer that was available as on that date is evidenced by the notice dated 14.11.2017 issued by the Branch Manager of the 1st Respondent/Bank. Therefore, for all intents and purposes, it is the terms of that OTS which will govern the compliance and satisfaction of the contents of the order dated 08.12.2017 in the Writ Appeal. It is so clarified.

4. Shri Shukla, learned Counsel appearing for the Bank submits that the loan transaction itself has been closed though the Applicants did not pay the upfront amount due under the OTS within the time limit. He says that when further coercive action was taken, certain payments were made; due reconciliations have been effected; and, the account has been finally settled and closed. He further submits that OTS offer was cancelled by the Bank on 24.01.2018. These submissions are recorded.

5. The Applicants appear to have a grievance that there are other payments in excess of the OTS amounts. That is not a matter which could be ultimated through this application for clarification. If the Applicants have any remedy available to them in terms of law, even by recourse to the Banking Ombudsman or any other authority, this order and the order dated 08.12.2017

passed in Writ Appeal No.421/2017 will not stand in the way of any such proceeding.

6. Subject to what is aforesaid, this application is ordered with the clarification as aforementioned.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(Sanjay Agrawal)
JUDGE

Priya