THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.33765 OF 2018

ORDER: {Per the Hon'ble Sri Justice Ramesh Ranganathan}

Heard Smt. G.M.Sunitha, learned counsel for the petitioner and Sri M.Srikanth Reddy, learned Standing Counsel for the State Bank of India. The proceedings under challenge in this Writ Petition is the Recovery Certificate issued by the Debts Recovery Tribunal in O.A.No.1435 of 2016 dated 15.06.2018. The said Recovery Certificate records that an amount of Rs.20,81,133/- is due against the petitioner's loan account.

The only contention urged, in this Writ Petition, is that the amounts paid by the petitioner, on several dates, for a total sum of Rs.5,28,000/- were not taken into consideration by the Tax Recovery Officer in demanding payment of the balance amount.

Sri M.Srikanth Reddy, learned Standing Counsel for State Bank of India, would submit that, while the petitioner claims that their account number is 30005445385, the amounts said to have been remitted by them, through National Electronic Funds Transfer (NEFT), is to account number 30660490567; and it appears from the material papers, filed along with the writ affidavit, that the remittance is to an account other than an account which related to the loan extended to the petitioner.

Smt. G.M.Sunitha, learned counsel for the petitioner, would submit that the petitioner lost his job; and he be permitted to repay the amounts due in instalments.

Any dispute which the petitioner may have regarding the amounts paid by them towards the loan account which, according to them, is not reflected in the Recovery Certificate can be addressed by their making a claim before the Tax Recovery Officer. Likewise, their request for being granted permission to repay the loan amount in easy monthly instalments can only be addressed to the bank. This Court, in the exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, would not, ordinarily, restructure the loan of the petitioner with the Bank or reschedule re-payment of the debt.

Leaving it open to the petitioner, either to approach the Tax Recovery Officer in terms of Schedule II to the Income Tax Act, 1961 and satisfy him that the payments made by them towards the loan account have not been taken into consideration, or to approach the Bank regarding their request to reschedule their debt, the Writ Petition fails and is, accordingly, dismissed. Suffice it to make it clear that this order shall not disable the respondent-Bank, if they so choose, from considering the petitioner's request in accordance with law. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, J)

(KONGARA VIJAYA LAKSHMI, J)

19th September 2018
RRB