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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.10273 of 2018
Decided on 04.10.2018**

M/s Satya Hatcheries, Jind and another

Petitioners

Versus

Canara Bank, Safidon Branch, Tehsil Safidon, District Jind

Respondent

* * *

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. Munish Kumar Garg, Advocate
for the petitioners.

Mr. R.S. Bhatia, Advocate
for the respondent.

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AVNEESH JHINGAN, J.

The present writ petition has been filed seeking quashing of letter dated 15.03.2018 (Annexure P-21) by which the One Time Settlement (OTS) proposal sanctioned earlier was withdrawn.

2. Petitioner No.1 is a proprietorship concern and petitioner No.2 is the proprietor. Canara Bank, Safidon Branch, Jind has been arrayed as respondent in this writ petition.

3. The petitioners availed an agriculture term loan of ₹1.22 crores. The loan was to be repaid in 95 monthly installments of ₹1,27,000/- each. The petitioners also availed cash credit limit of ₹15 lakhs and overdraft limit of ₹30 lakhs. In order to secure the credit facilities equitable mortgage of agricultural land etc., was created.

4. The petitioners failed to maintain the financial discipline of the credit facilities availed. The accounts were declared as Non-Performing Assets (NPAs) on 02.05.2014. A notice dated 16.06.2014 under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity 'the Act') was issued. As per notice, there was an outstanding due of ₹1,82,99,366/-. The petitioners accepted an OTS proposal but failed to adhere to its terms & conditions and the same was withdrawn by the bank on 18.07.2015. Thereafter, there were various communications and negotiations between the petitioners and the respondent-bank.

5. Notice of motion was issued on 26.04.2018 to explore the possibility as to whether the balance payment under OTS can be accepted by the respondent-bank, as per the payment schedule mentioned in the letter dated 22.03.2018 alongwith penal interest and penalty.

6. Today learned counsel for the respondent-bank submitted that the OTS of the petitioners has been approved by the respondent-bank on 28.08.2018 and the payments in compliance with the settlement is being made by the petitioners.

7. Learned counsel for the petitioners stated that he has no instructions regarding settlement.

8. In view of the statement made by learned counsel for the respondent-bank, the writ petition is disposed of as having been rendered infructuous.

9. However, it is clarified that in case the statement made by

the respondent-bank is found to be incorrect, the petitioners would be at liberty to revive the writ petition.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

October 04, 2018
pankaj baweja

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No