IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25196-2017
Date of Decision: April 24, 2018

M/s Goyal Food Stuff Industries

.....Petitioner

Versus

State Bank of India and others

......Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN

1.	**To be referred to the Reporters or not?**	**Yes/No**
2.	**Whether the judgment should be reported in the Digest?**	**Yes/No.**
3.	**Whether Reporters of local papers may be allowed to see the judgment?**	**Yes/No**

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Present: Mr.Sameer Sachdeva, Advocate for the petitioner.

Mr.Rakesh Gupta, Advocate for the respondent.

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SURYA KANT, J.

The petitioner-firm is the borrower whose loan account was classified as 'NPA' by State Bank of India on 29.02.2016, but according to counsel for the petitioner the date of declaration of its account as 'NPA' was 19.02.2016. The paddy stock of the petitioner was in possession of the Bank as a security which was put to auction on 06.04.2017. It is stated that the entire loan amount was recovered through the said auction, however there arose a dispute with the auction purchaser who approached this Court by way of CWP No.18655 of 2017 (**M/s Tirupati Paddy Products** vs **State Bank of India**). Meanwhile, the petitioner-borrower also applied for 'One Time Settlement' as per the Bank Policy but according to learned counsel for the Bank, it was not accompanied with any upfront amount or earnest money etc.. Be that as it may, the Bank declined to consider the said offer on the plea that the matter was sub judice before this Court at the instance of the auction purchaser.

[2] It is also not in dispute that the writ petition filed by the auction purchaser stands disposed of by this Court on December 20, 2017 by way of a reasoned order.

[3] There is, thus, no legal impediment, if the Bank wants to consider the claim of the petitioner for 'One Time Settlement' in terms of the Policy, if any, in operation. We do not express any views in this regard and dispose of the instant writ petition with a direction that let the application moved by the petitioner for 'One Time Settlement' may be decided by the Bank by way of a reasoned order within a period of two months. The sale of the stock would be subject to the decision to be taken by the Bank on the petitioner's 'One Time Settlement' offer.

(SURYA KANT)
JUDGE

April 24, 2018 **(SHEKHER DHAWAN)**
meenuss **JUDGE**

1. Whether speaking/reasoned ? Yes/No
2. Whether reportable ? Yes/No