

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-25479-2018

Date of Decision: 4.10.2018

Smt. Kamlesh Rani

...Petitioner

Versus

State of Punjab and others

...Respondents

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

PRESENT: Mr. Aalok Jagga, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a direction to respondent No.1 to decide her representation dated 3.8.2018 (Annexure P-9).

2. The petitioner applied for the loan vide application dated 10.11.2011 (Annexure P-1) and had availed cash credit limit of ₹ 75 lakhs from respondent No.3 for the purpose of corrugated boxes. The petitioner could not deposit the interest for the months of February to June, 2013 due to which, respondent No.3 declared the loan account of the petitioner as Non Performance Account (NPA). In the statement of account dated 15.12.2011/31.1.2018 (Annexure P-2), it is mentioned on 1.7.2013 as "TRF from INTT as account is NPA registered notice- ordinary- 2". The petitioner continued to deposit various amounts even after 1.7.2013 when

the loan account was declared NPA. As per the terms and conditions (Annexure P-3), the cash credit limit was required to be renewed after every one year. Respondent No.3 filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 against the petitioner for dishonouring of cheque No.101351 dated 9.10.2015 amounting to ₹ 23.50 lakhs. The Additional Chief Judicial Magistrate, Pathankot vide order dated 18.9.2017 convicted the petitioner and sentenced her for a period of two years along with fine. The petitioner filed an appeal against the said order of conviction and sentence before the Additional Sessions Judge, Pathankot who vide order dated 19.2.2018 (Annexure P-4) dismissed the same. Against the order, Annexure P-4, the petitioner filed CRR-1045-2018 which is pending for 7.12.2018 as is clear from the orders dated 19.3.2018 to 21.9.2018 (Annexure P-5 Colly). Respondent No.3 framed One Time Settlement (OTS) Policy dated 21.2.2018 (Annexure P-6). Respondent No.3 called upon the petitioner to deposit 25% of the OTS amount before 31.3.2018, her account would be settled. Accordingly, the petitioner deposited an amount of ₹ 32,15,550/- as is clear from the certificate (Annexure P-8) issued by the Bank. The petitioner had to deposit the remaining OTS amount in one year and had got the calculation done at her own level and as per her calculation, the OTS amount would be ₹ 82,59,089/- if the NPA date was taken as 1.7.2013 as is clear from the calculation sheet, Annexure P-8. Thereafter, the petitioner sent a representation dated 3.8.2018 (Annexure P-9) to various authorities including the respondents for redressal of her grievance, but no response has been received till date. Hence, the present writ petition.

3.

Learned counsel for the petitioner submitted that for the relief

claimed in the writ petition, the petitioner has moved a representation dated 3.8.2018 (Annexure P-9) to various authorities including the respondents, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the representation dated 3.8.2018 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one month from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

October 4, 2018
gbs

(AVNEESH JHINGAN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No