HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-3797-2018
Date of Decision: February 19, 2018

Smt.Rajwinder Kaur and another

.....Petitioners

Versus

HDFC Bank Limited

......Respondent

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**

....

Present: Mr.Aalok Jagga, Advocate for the petitioners.

....

SURYA KANT, J.

The petitioners availed loan facilities from the respondent-HDFC Bank limited to the tune of ₹74 lacs on 23.09.2014. As the installments were not paid, the account was classified as 'NPA' and as per the notice issued under Sections 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the SARFAESI Act'), a sum of almost ₹36.00 lacs is unpaid by the petitioners. The case of the petitioners, on the other hand, is that the over-due amount, even as per the respondent-Bank is ₹1,13,599/- which they have offered firstly on 11.09.2017 and again on 04.12.2017.

[2] The petitioners submit that not only they are ready and willing to deposit the over-due amount as on date, they undertake not to commit any default in payment of future installments. Reliance is placed on Clause 4.2.5 of the RBI guidelines, which reads as follows:-

> "4.2.5 Upgradation of loan accounts classified as NPAs.
>
> If arrears of interest and principal are paid by the

> borrower in the case of loan accounts classified as NPAs, the account should no longer be treated as non-performing and may be classified as 'standard' accounts. With regard to upgradation of a restructured/rescheduled account which is classified as NPA contents of paragraphs 12.2 and 15.2 in the part B of this circular will be applicable.”

[3] They also rely upon a decision of this Court in **Oswal Spinning and Weaving Mill** **vs** **Reserve Bank of India, 2016 SCC online P&H 1851**. On this premise, a direction is sought to regularise their loan account.

[4] Having heard learned counsel for the petitioners and keeping in view the undertaking given by the petitioners that they shall continue to pay the due installments on regular basis, it appears to us that their request for regularisation of the loan account in terms of the above-stated RBI guidelines deserves sympathetic consideration at the hands of the respondent-Bank. We, thus, direct the respondent to consider the above-mentioned request of the petitioners in the light of the RBI guidelines and the cited decision of this Court preferably within a period of two months. Subject to petitioners' depositing the over-due amount within one week, without prejudice to the rights of the respondent-Bank, further measures under the SARFAESI Act be not taken till the Bank takes an appropriate decision on the proposal to be submitted by the petitioners.

(SURYA KANT)
JUDGE

February 19, 2018 **(SHEKHER DHAWAN)**
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1. **Whether speaking/reasoned ?** **Yes/No**
2. **Whether reportable ?** **Yes/No**