IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.8487 of 2018.
Date of Decision: April 05, 2018

Chandi Ram ......Petitioner

versus

State Bank of India and another .....Respondents

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

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Present: Mr.Randhir Singh Redhu, Advocate, for the petitioner.
Mr.Gaurav Goel, Advocate, for respondent Nos.1 & 2.

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Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Gaurav Goel, Advocate, accepts notice on behalf of the respondents.

Let two copies of the writ petition be handed-over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage as no order prejudicial to their interest is being passed on merits.

The petitioner is a farmer who availed loan of Rs.9.00 lacs from the respondent-bank. It appears that the petitioner is paying installments on regular basis and his account has not been classified as NPA. Meanwhile, the bank has introduced a Scheme known as 'Rinn Samadhan Scheme-II', whereunder the borrowers like the petitioner's loan account can be settled. The petitioner applied under the said Scheme and expressed his willingness to pay the entire loan amount as may be found due towards him as per the said Scheme. The petitioner's claim has been declined by the bank on the ground that his account has not been classified as NPA.

Such a view taken by the respondent-bank, in our considered view, is *per se* arbitrary, illegal, unfair and unjust. If a poor farmer is paying the installments regularly out of his small savings, why should be denied the benefit of the aforesaid Scheme. The logic given by the Bank would encourage deliberate defaults by the borrowers so that their accounts are classified as NPA. That is not the object of a One Time Settlement Scheme. Consequently, the writ petition is disposed of with a direction to the respondent-bank to consider the petitioner's request under the 'Rinn Samadhan Scheme-II' and inform him the due amount as well as the time period within which he is required to deposit the due amount. An appropriate order on the application of the petitioner dated 17.03.2018 (P-2) be passed. The petitioner will deposit the amount as may be found due as per the said Scheme after the admissible concession is granted to him.

Ordered accordingly.

[SURYA KANT]
JUDGE

April 05, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No