

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.8695 of 2018.

Date of Decision: April 23, 2018

M/s Durga Rice Mills

.....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.Manoj Kumar Sood, Advocate, for the petitioner.

Mr.Umang K.Khosla, Advocate, for the respondent-caveators.

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**Surya Kant, J.** (Oral)

The petitioner-rice mill availed loan facilities from the respondent-bank in the shape of CC Limit against the stock. As the petitioner failed to pay the due installments, its account was classified as NPA. Meanwhile, the bank accepted the petitioner's offer for 'One Time Settlement' under its policy and informed vide letter dated 26.10.2017 (P2) that total amount payable under the 'One Time Settlement' Scheme is Rs.63,45,463/-. The petitioner paid Rs.4,10,302/- alongwith the application and thereafter, it is stated to have deposited 20% of the OTS amount in the year 2017 as per OTS Scheme (Clause III) of the letter dated 26.10.2017. The balance amount was to be paid within six months i.e., by 26.04.2018. The petitioner has not been able to honour the said commitment, hence this writ petition.

The respondent-bank is on caveat.

We have heard learned counsel for the parties.

Though there is no justification for the petitioner to wriggle out of 'One Time Settlement' but having regard to the fact that 20% of the loan amount has already been paid and the petitioner is willing to pay the balance

amount alongwith interest as may be levied after expiry of the agreed period, we deem it appropriate to grant some more time to the petitioner to comply with the OTS offer. The writ petition is accordingly disposed of with a direction that in case the petitioner deposits the balance settled amount before 30.07.2018, the bank will also abide by its letter dated 26.10.2017. The above order is further subject to the condition that the petitioner shall deposit Rs.5.00 lacs before 30.05.2018.

Ordered accordingly.

Dasti.

**[SURYA KANT]  
JUDGE**

April 23, 2018  
*mohinder*

**[SHEKHER DHAWAN]  
JUDGE**

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|----------------------------------|----------|---------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>:</b> | <b>Yes/No</b> |