

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

C.C. No. 143 of 2019

ORDER :

This Contempt Case is filed alleging violation of orders of this Court dated 08.08.2018 in W.P.No.23796 of 2018, wherein and whereby this Court passed interim order as follows:

“Though notice is served, there is no appearance.

Learned counsel for the petitioner states that the loan amount has already been repaid by recovery from his salary, but again the respondent is resorting to recover the amounts from the salary of the petitioner.

Interim stay.”

2. Counter affidavit is filed by the respondent stating that the petitioner is an employee of Electricity Transmission Company at Huzurnagar. Since the petitioner opted for the salary deduction from his employer towards payment of housing loan, the monthly installments were deducted and his employer issued cheque to the bank. In the month of August, petitioner's employer remitted the amount and it was re-credited on 10.08.2018 to his SB A/c.No.52123925465 with the respondent's Bank, Kodad Branch at GP Complex, Main Road, Kodad. That the installment amount of Rs.3,900/- was received from the employer of the petitioner representing September, 2018 was received by the bank and it is credited back to

the SB account of the petitioner on 11.09.2018 itself and that thereafter, no installment amount is received or deducted. That the Bank did not deducted any amount in the months of August and September, 2018 from his salary account. It is stated that though there is no order for refund of excess interest collected, which is the main dispute raised in the writ petition after examining the issue basing on the record available, the Bank realized that an excess interest amounting to Rs.1,30,377/- was collected from time to time and same was credited to the SB account of the petitioner on 18.02.2019, which is without any direction from this Court.

3. Reply affidavit is filed by the petitioner denying the averments in the counter affidavit filed by the respondent.

4. Heard learned counsel for the petitioner and Sri A.Krishnam Raju, learned Standing Counsel for the respondent.

5. Learned Standing Counsel for the respondent Bank submitted that the petitioner is having salary account in the respondent Bank, Kodad Branch and amounts were deducted from that branch and sent to the Ananthagiri Branch. He submits that noticing the interim order passed by this Court on 08.08.2018, they have again credited the amounts to the Savings Bank account of the petitioner. He

also submitted that the excess interest collected i.e., Rs.1,30,377/- was also refunded to the petitioner and same was credited to the petitioner's SB account on 18.02.2019, as such, there is no violation of orders passed by this Court.

In this case, it is to be seen that though the Kodad branch is not the party in the Contempt Case, which is deducted the amount from the petitioner's account, But, the Ananthagiri Branch, noticing the interim order passed by this Court, credited the excess interest to the petitioner's SB account, as such, I do not see willful violation of orders passed by this Court.

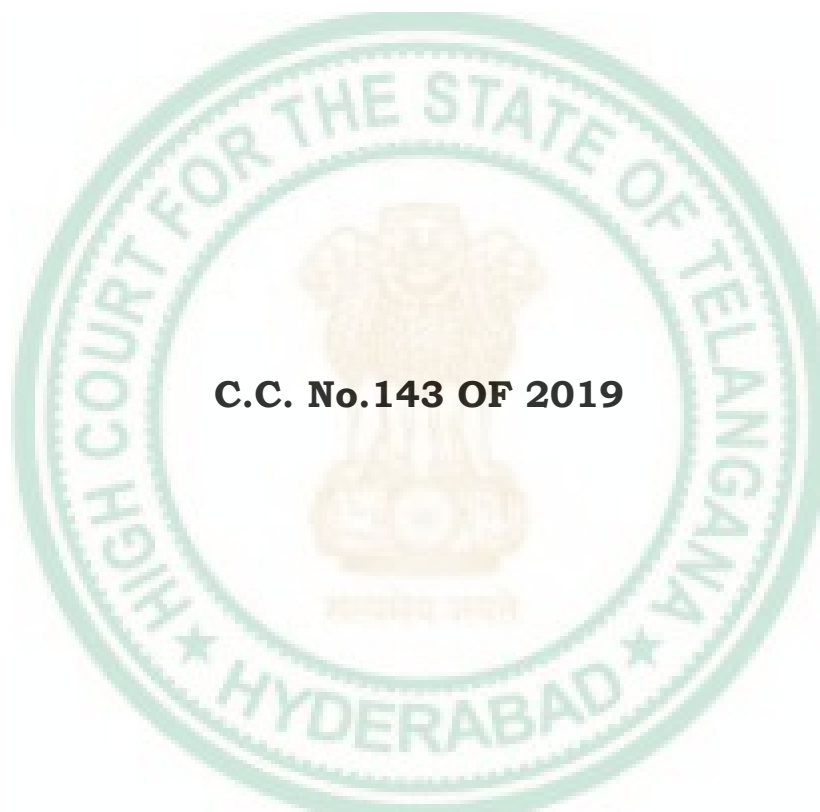
Accordingly, this Contempt Case is closed. However, it is open for the petitioner to agitate his rights in the pending Writ Petition. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Contempt Case, shall stand closed.

A.RAJASHEKER REDDY, J

29.03.2019

kvs

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY



C.C. No.143 OF 2019

Date: 29-03-2019

kvs

