

High Court for the State of Telangana

THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

Writ Petition No.7326 of 2019

Date: 04.04.2019

Between:

A.K. Reddy Stone Crusher Unit

...Petitioner

and

The Manager, State Bank of India,

Naredcharla Branch, Neredcharla Branch,

Nalgonda District and another

...Respondents

Counsel for the petitioner : Mr. V. Praveen Kumar

Counsel for the respondents: None present

The Court made the following:

ORDER: (Per the Hon'ble Sri Justice Raghvendra Singh Chauhan)

The petitioner has challenged the possession notice dated 27.03.2019 issued by the State Bank of India.

The petitioner claims that it had borrowed a loan from the State Bank of India. As on 31.03.2018, the outstanding loan amount was Rs.37,82,215/-. By letter dated 14.08.2018 issued by the Branch Manager, SARB-2, Hyderabad, the bank had informed the petitioner about the existence of an OTS scheme. According to the said scheme, the petitioner was required to deposit a minimum of 15% of the OTS amount for processing of the application for OTS. After the sanction of the OTS, 25% of the OTS amount was to be deposited within thirty days from the date of sanction. The balance amount was to be deposited within six months from the date of sanction.

Mr. V. Praveen Kumar, the learned counsel for the petitioner, submits that while accepting the OTS scheme offer, the petitioner did deposit Rs.4,00,000/- in favour of the bank. In order to buttress this plea, the learned counsel has drawn the attention of this Court to a letter dated 29.09.2018 issued by the bank. Therefore, the learned counsel pleads that the notice for taking over the possession of the property belonging to the petitioner should not have been issued during the period when the petitioner is willing to repay the OTS amount. Therefore, the said notice should be set aside by this Court.

This Court has raised a pointed query to the learned counsel for the petitioner, namely whether the 25% of the OTS amount, which was required to be deposited within thirty days from the date of sanction, and the balance amount, which was required to

be deposited within six months from the date of sanction, has also been complied with or not? To this pointed query, the learned counsel has frankly conceded that so far, the schedule for repayment of the loan has not been observed by the petitioner.

In the light of the fact that the petitioner has failed to observe the schedule of repayment, obviously, the OTS scheme has not been followed by the petitioner itself. Therefore, the bank is certainly justified in issuing the possession notice.

For the reasons stated above, this Court does not find any merit in the present petition. Therefore, the Writ Petition is hereby dismissed. There shall no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, J)

(T. AMARNATH GOUD, J)

04th April, 2019
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