

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.30929 of 2018
Decided on : 20.02.2019

Sham Sunder and anr.

..... Petitioners

Versus

Authorised Officer, Bank of India & ors.

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Atul Sharma, Advocate
for the petitioners.

Mr. Avneet Singh, Advocate for
Mr. K.P.S.Dhillon, Advocate
for respondent-Bank.

Manjari Nehru Kaul, J.

Prayer in the present writ petition filed under Articles 226/227 of the Constitution of India is for issuance of writ in the nature of Certiorari for quashing the impugned action of the Bank whereby it has rejected the proposal dated 24.10.2018 (Annexures P-3 and P-5) in terms of One Time Settlement(OTS) guidelines issued by them.

2. The petitioners had earlier approached this Court by filing CWP No.22519 of 2018 assailing the actions of the respondent-bank. On 11.10.2018, this Court while passing a detailed order gave direction to the petitioners to file proposal under One Time Settlement within a period of two weeks. Thereafter, the bank was to decide the proposal within one month.

3. According to the petitioners, they tendered a representation along with demand draft of ₹ 5 lakhs on 24.10.2018 (Annexure P-3) to the respondent-bank in terms of OTS guidelines. Vide letter dated 03.11.2018 (Annexure P-4), the respondent-bank intimated the petitioners regarding refusal of their proposal. Feeling aggrieved, the present petition has been filed.

4. Vide order dated 11.12.2018, notice of motion was issued in the following terms:

“Learned counsel for the petitioners states that the petitioners are prepared to clear the outstanding liability in installments.

To show the bonafides of the petitioners, learned counsel for the petitioners has produced a Demand Draft No.642917 dated 10.12.2018 of ₹5 lacs in Court today. A photocopy of the draft has been taken on record and the original has been returned to the learned counsel for the petitioners to deposit the same with the respondent-bank within 7 days. Respondent-bank shall be entitled to encash the same without prejudice to its rights in the pending writ petition.

Notice of motion for 08.02.2019.

Notice re: stay.

Process dasti only.

In the meantime, status quo be maintained till the next date of hearing.”

5. Learned counsel for the petitioners submitted that the petitioners are ready and willing to clear the outstanding liabilities or to regularize their accounts within a reasonable period. However, learned

counsel for the respondent-bank stated that as per verbal information received from the bank, the accounts of the petitioners have been upgraded and regularized on 31.12.2018 though he was unable to make a confirmed statement.

6. After hearing learned counsel for the parties, perusing the petition and without expressing any opinion on the merits of the case, the present writ petition is disposed of with the following directions:

1. The petitioners shall approach the respondent-bank within one week from the date of receipt of certified copy of the order by filing a detailed and comprehensive representation for clearing the outstanding dues or to regularize the loan account.
2. Respondent-bank shall consider the representation submitted by the petitioners sympathetically in accordance with law, after affording an opportunity of hearing to the petitioners and pass a speaking order.
3. The decision on the representation shall be taken at the earliest by the respondent-bank but not later than two weeks from the receipt of such representation.
4. It is clarified that in case the petitioners fail to submit their representation within the specified time, the respondent-bank would be at liberty to proceed in accordance with law.

7. Meanwhile, the interim protection granted by this Court vide order dated 11.12.2018 shall be maintained till a decision is taken by the respondent-bank on the representation submitted by the petitioners.

However, it is clarified that the interim protection shall not be construed as an expression of opinion on the merits of the case by this Court.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

20.02.2019
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No