

\$~33.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 497/2019

HARI SINGH

..... Petitioner

Through: Mr. Banamali Shukla with Mr. R.N. Choudhary, advs. with petitioner in person.

versus

THE STATE (GOVT. OF NCT OF DELHI) AND ORS.

..... Respondent

Through: Mr. Ankur Chibber, adv. for R-1 & R-2.

Mr. Anand Yadav with Ms. Anita Tomar, Advs for R-3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

%

18.01.2019

C.M. No. 2287/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 497/2019 & C.M. No. 2286/2019

Issue notice. Mr. Chibber accepts notice on behalf of respondent Nos. 1 & 2. Mr. Yadav accepts notice on behalf of respondent no.3.

The grievance of the petitioner is that despite his having deposited the amount of Rs. 2,53,932/- in terms of the order passed by this Court in Crl. M.C. 985/2018, which has been withdrawn by the Assistant Collector, fresh summons have been issued demanding recovery of Rs.2,53,932/- plus interest.

Mr. Yadav, who appears for respondent No.3 points out that the

amount deposited by the petitioner was given adjustment in the statement of accounts placed on record as Annexure P3. The amount of Rs. 1,95,978/- is taken to be adjusted towards interest and the balance amount of Rs. 2,65,164/- has been adjusted towards the principal amount. He submits that the amount received by the respondent was, in fact, Rs. 2,61,142/-, after accrual of interest which has been credited in the petitioner's account. The petitioner submits that the calculation made by the respondents is not correct, as they are unduly charging interest on interest.

In our view, the appropriate direction to be issued in the present case, would be to require the petitioner to appear before the Collector. He may be accompanied with an accountant. The respondent bank should also appear before the Collector at the same time and the Collector, after hearing the petitioner and the respondent bank, shall arrive at the amount payable by the petitioner, if any. The Collector shall ensure that all the amounts demanded as outstanding by the respondent bank are backed by the contract or the law binding on the parties.

The petitioner and the respondent bank shall appear before the Collector on 04.02.2019 at 11.00 A.M.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

JANUARY 18, 2019

N.Khanna