

\$~65 & 66

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

+ W.P.(C) 4442/2019 & CM. No. 19734/2019

KRISHAN KUMAR SHARMA Petitioner
Through: Mr. Vivek Sharma and Mr. Garg,
Advs.

versus

THE DELHI STATE COOPERATIVE BANK
LTD.& ANR. Respondents
Through: Mr. Anand Yadav and Ms. Anita
Tomar, Advs. for R1.

AND

+ W.P.(C) 4443/2019 & CM. No. 19735/2019

KRISHAN KUMAR SHARMA Petitioner
Through: Mr. Vivek Sharma and Mr. Garg,
Advs.

versus

THE DELHI STATE COOPERATIVE BANK LTD.
& ANR. Respondents
Through: Mr. Anand Yadav and Ms. Anita
Tomar, Advs. for R1.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

29.04.2019

CM. No. 19734/2019 (for exemption) in W.P.(C) 4442/2019

CM. No. 19735/2019 (for exemption) in W.P.(C) 4443/2019

Exemption allowed subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 4442/2019 & W.P.(C) 4443/2019

The present petitions have been filed by the petitioner with the following prayers:

“Prayers in W.P.(C) No. 4442/2019

In view of the facts and circumstances explained above, it is respectfully prayed that this Hon’ble Court may be pleased to issue an appropriate writ, order or direction thereby;

(A) Directing the respondent No.1 to issue No Objection Certificate to the Petitioner in loan account No. 017129001143 and refund the paid excess amount.

(B) Directing the respondent No.1 to withdraw the letter dated 11.05.2017 written to the employer of the petitioner. (Annexure P-2).

(C) Pass any other order or orders as this Hon’ble Court may deem fit under the circumstances of this case.

Prayers in W.P.(C) No. 4443/2019

“In view of the facts and circumstances explained above, it is respectfully prayed that this Hon’ble Court may be pleased to issue an appropriate writ, order or direction thereby;

(A) Directing the respondent No.1 to issue No Objection Certificate to the Petitioner in loan account No. 0112004665 and refund the paid excess amount.

(B) Directing the respondent No.1 to withdraw the letter dated 15.07.2009 written to the employer of the petitioner. (Annexure P-2).

Pass any other order or orders as this Hon’ble Court may deem fit under the circumstances of this case.

Mr. Anand Yadav, learned counsel appearing for the respondent no.1 has taken an objection on the maintainability of the petitions, inasmuch as the Bank is not a State within the meaning of Article 12 of Constitution of India and appropriate for the petitioner is to seek such remedy as available in accordance with law. According to him, as per his instructions, in one account complete recovery has been made. Mr. Yadav also states, there are other accounts wherein the petitioner is a surety and the money is recoverable against those accounts.

At this stage, Mr. Vivek Sharma, learned counsel appearing for the petitioner states, he shall be satisfied, if the details of the accounts, recovery to be made and also the details of the recovery effected from the salary of the petitioner in all the accounts is communicated to him.

Let such a communication be sent to the petitioner within four weeks from today. With this, the learned counsel for the petitioner seeks to withdraw the petitions.

The petitions are disposed of as withdrawn.

V. KAMESWAR RAO, J

APRIL 29, 2019/jg