

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

CWP No. 11201 of 2020
Date of Decision: 04.08.2020

M/S Shri Krishna Diary Farm

....Petitioner

Versus

Bank of Baroda and others

....Respondents

**CORAM:HON'BLE MR. JUSTICE S.N. SATYANARAYANA
CORAM:HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Pawan Kumar Hooda, Advocate, for the petitioner.

S.N. SATYANARAYANA, J.(Oral)

Notice of motion.

Mr. Umang Khosla, Advocate accepts notice on behalf of respondents No. 1 to 4.

The petitioner herein is seeking quashing of the impugned order dated 06.01.2020 (P-6) where the earlier settlement arrived at between the parties is frustrated and also request of the petitioner seeking extension of time to clear the amount of Rs. 80 lacs/- arrived at as one time settlement proposal between the parties is rejected. It is in this background the present writ petition is filed on 29.07.2020. It is seen that even before filing this present writ petition there is one more representation by the petitioner to the 1st respondent seeking restructuring of the loan which was taken by him for the purpose of his diary farm and subject matter of earlier settlement. It is seen the said application was considered and time was extended till 30.09.2020 for repayment of the amount as agreed earlier.

It is in this background the present writ petition is filed in trying to bring to the notice of this Court that the pathetic situation in which the petitioner is. Admittedly, it is not only the petitioner, the whole country is suffering because of COVID-19 Pandemic situation, all business houses are either shut down or facing serious set back in business. There is absolutely no monetary transaction between the parties. In the aforesaid testing circumstance even extension of time upto 30.09.2020 appears to be unreasonable in as much as the business of the petitioner is admittedly closed about 2-3 years back and there is no source of income for him to settle the dues. Even to raise funds from other places the financial situation of the country being so bleak it may not be possible for the petitioner to raise the required funds. Under the circumstance the extension of time upto 30.09.2020 is nothing but name sake concession given which is not going to help the petitioner in any way. Even otherwise when the bank has already declared the petitioner as a willful defaulter and his account is classified as 'NPA', nothing much could be realized by selling the property, as the property rates in the country are also plummeted.

Therefore, in the present situation, we are of the considered opinion that there shall be renegotiation between the petitioner and respondent No.1-Bank, where we direct respondent No.1 to consider the prayer of the petitioner sympathetically and extend the time at least for a period of 10-12 months from this day or atleast a period of 6 months after completion of Pandemic situation in

the country to enable him to raise necessary funds and to clear the loan as he had agreed under one time settlement scheme of the 1st respondent.

The present writ petition is disposed of with the above observations.

[S.N. SATYANARAYANA]
JUDGE

[ARCHANA PURI]
JUDGE

August 04, 2020
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no