

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112

CWP-16815-2021 (O&M)
Date of Decision: 03.09.2021

M/s BD Rice Mill

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present: Mr. Dhawaljeet Dutta, Advocate for the petitioner

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court on account of restrictions due to COVID-19]

JASWANT SINGH, J. (Oral)

The petitioner is praying for issuance of a writ of *mandamus* for directing the State Bank of India, Gurdaspur Branch – respondents No.3 to 5 for releasing the mortgaged property lying with it under One Time Settlement scheme.

Counsel for the petitioner has been heard at length.

It is not disputed that the petitioner – a partnership firm was a defaulter of a loan raised from the respondent-Bank leading to initiation of proceedings for recovery of outstanding loan amount under the SARFAESI Act.

The respondent-Bank in terms of their non-discriminatory and non-discretionary OTS Policy 2020 informed the petitioner-firm vide memo dated 30.10.2020 (P4) being eligible for settlement for a total amount of Rs.20,84,896.92 against an outstanding loan amount of Rs.24,11,645.50 as on 31.03.2020 subject to fulfillment of terms and conditions notified in letter (P4).

The petitioner as per clause 3 of the said letter was required to deposit process fee of 5% of the said amount and further 10% of the aforesaid

treated as failed. Concededly, the petitioner has deposited only an amount of Rs.95,000/- as process fee and did not deposit the stipulated 10% of the said amount to enter into the OTS scheme.

Thus there is no occasion for the petitioner to claim any relief under the OTS scheme which never came into existence. Moreso, the release of the mortgaged property does not form part of the terms and conditions of the OTS.

Dismissed.

(Jaswant Singh)
Judge

03.09.2021
Vvishal

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No