

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

Writ Petition No. 1568 (MS) of 2009

Divya Prakash Singh

...Petitioner

Versus

State of Uttarakhand and others

...Respondents

Mr. Amish Tiwari, Advocate for the petitioner.

Mr. K.P. Upadhyay, learned Addl. Chief Standing Counsel for the State of Uttarakhand/ respondent no. 1 and 2.

Mr. Mahesh Lal Sah, Advocate for respondent no. 3.

Dated: September 25, 2009

Hon'ble V.K. Bist, J.

Heard learned counsel for the parties.

Present writ petition has been filed by the petitioner for quashing of the Recovery Certificate dated 22.07.2009 issued by respondent no. 3 and consequential citation dated 01.08.2009 issued by the Tehsildar Ranikhet District Almora.

Brief facts of the case are that the State Government launched a scheme for providing employment of the unemployed persons under the scheme of "Veer Chandra Singh Garhwali Paryatan Swarojgar Yojana" and the petitioner applied for loan under the said scheme. The petitioner secured a loan of Rs. 5,25,000/- (Rs. Five lac twenty five thousand) only from the Nainital Almora Kshettriya Gramin Bank, Branch Ranikhet. The aforesaid loan was repayable in installments to the respondent-Bank within a period of six years. The loan was sanctioned and disbursed on 05.05.2005 and repayable upto 05.05.2011. Out of sanctioned loan of Rs. 5,25,000/- (Rs. Five lac twenty five thousand), the petitioner deposited the amount of Rs. 2,87,066 (Rs. Two lacs eighty seven thousand sixty six) only. Due to bad luck the business of the petitioner was badly

affected and due to which he could not deposit the balance amount regularly.

During the course of the argument, learned counsel for the petitioner submitted that he is ready to pay at least Rs. 50,000/- (Rs. fifty thousand) in first installment and thereafter he prayed that he may be permitted to deposit the entire amount of loan in remaining eight equal installments alongwith the interest.

In view of the above statement of learned counsel for the petitioner that the petitioner is ready to pay Rs. 50,000/- in first settlement and is also ready to deposit entire amount of loan in eight equal installment with interest, the petitioner is permitted to deposit entire amount of loan in eight installments. The petitioner shall deposit the first installment of Rs. 50,000/- (Rs. fifty thousand only) on or before 20th October 2009 and remaining installments shall be deposited on or before 25th of each month alongwith installments and recovery charges. Last installment shall be deposited on or before 25th June, 2010. In the meantime it is directed that no coercive action shall be taken against the petitioner. In the event of default, this order shall stand vacated.

With these observations, the writ petition is disposed of.

Let a certified copy of the order be supplied to the learned counsel for the parties today itself on payment of usual charges.

VKG

(V.K. Bist, J.)
25.09.2009