

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 3193 of 2016 (M/S)

Bhupal Ram.

.....Petitioner

Versus

District Magistrate, Bageshwar & others.

.....Respondents

Mr. Ganesh Kandpal, Advocate for the petitioner.

Mr. P.C. Bisht, Standing Counsel for the State of Uttarakhand/respondent nos. 1 & 2.

Mr. D.S. Patni, Advocate for respondent no. 3.

Dated: 30th November, 2016

Hon'ble V.K. Bist, J.

Heard learned counsel for the parties.

2. Present petition has been filed by the petitioner seeking the following relief:

“i) Issue a writ, order or direction in the nature of certiorari and call for the record of the case and quash the impugned Recovery notice dated 18.11.2016 (Annexure No.1 to the writ petition) issued by respondent no. 2.”

3. Brief facts of the case, as narrated in the writ petition, are that in the year 2013, the petitioner took loan of ₹ 5,00,000/- from the respondent bank, but the petitioner could not pay the due installments in time. Due to non-deposit of installment in time, the respondent no.3 has issued the impugned recovery citation dated 18.11.2016, through respondent no.2, against the petitioner. Hence, this writ petition.

4. Learned counsel for the petitioner submitted that now petitioner is in a position to deposit the loan amount in installment. He submitted that the petitioner will deposit the first installment of ₹ 25,000/- on or before 20.12.2016. He further requested that since the petitioner is a poor man, petitioner may be permitted to deposit the remaining loan amount in nine equal quarterly installments. He also submitted that the petitioner will also deposit the interest and recovery charges.

6. Mr. D.S. Patni, learned counsel appearing for the respondent Bank submitted that the respondent Bank does not have any objection, in case, petitioner gives an undertaking that he will deposit ₹ 25,000/- on or before 20.12.2016 and the remaining loan amount alongwith interest and recovery charges in nine equal quarterly installments.

7. In view of the submissions made by the learned counsel for the parties and in the interest of justice, it is directed that the petitioner will deposit ₹ 25,000/- with respondent bank on or before 20.12.2016. Thereafter, the respondent bank will inform the petitioner, in writing, on or before 31.12.2016 about the amount to be paid by the petitioner in nine equal quarterly installments. Remaining loan amount alongwith interest and recovery charges will be paid by the petitioner in nine equal quarterly installments. First installment of ₹ 25,000/- shall be paid by the petitioner on or before 20.12.2016. Remaining nine equal quarterly installments, as informed by the bank,

shall be paid by him on or before 20th of every quarter respectively. In case the loan amount alongwith interest and recovery charges is paid within the stipulated period, the impugned citation dated 18.11.2016 shall stand quashed.

8. In case of any default, this order shall stand recalled automatically.

9. The writ petition is, accordingly, disposed of.

10. There will be no order as to costs.

(V.K. Bist, J.)
30.11.2016

Arpan