

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**  
**Writ Petition (M/S) No. 3340 of 2017**

Jarnail Singh

... Petitioner

Vs

District Magistrate/Collector & others

... Respondents

Mr. S.K. Mandal, Advocate, present for the petitioner.

Mr. M.C. Pande, Additional Advocate General, present for the State of Uttarakhand.

**Hon'ble Manoj K. Tiwari, J. (Oral)**

1. Heard learned counsel for the parties and perused the record.

2. Petitioner took house loan of ₹10.00 (Rupees Ten Lakh Only) from Punjab & Sindh Bank, Rudrapur Branch, District Udham Singh Nagar in the year 2012. Since petitioner could not repay some installments in time, therefore, proceedings under Securitisation & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (*from hereinafter referred to as "SARFAESI Act"*) has been initiated against him by the Bank.

3. It is the contention of the petitioner that the Bank is trying to dispossess him from the house in question through private recovery agency/respondent No. 3. Since the application moved by the Bank under Section 14 of the SARFAESI Act has been rejected by the Additional District Magistrate, Rudrapur, District Udham Singh Nagar vide order dated 07.11.2017.

4. Learned counsel for the petitioner submits that petitioner is ready and willing to repay the outstanding amount of loan but some reasonable time may be given to him for the purpose. Learned counsel for the petitioner further submits that to show his *bona fide*, petitioner is ready to deposit ₹1.00 lakh (Rupees One Lakh Only) with the Bank within ten days.

5. Learned counsel for the petitioner confines his prayer and submits that Competent Authority in the Bank be directed to consider petitioner's request for reschedule of the loan and take appropriate decision thereupon.

6. Accordingly, the writ petition is disposed of with liberty to the petitioner to approach the Competent Authority in the Bank by making representation within ten days from today. If petitioner deposits a sum of ₹1.00 Lakh (Rupees One Lakh Only) along with his representation, the Competent Authority in the Bank shall consider petitioner's request and pass appropriate order thereupon, in accordance with law, within two weeks thereafter.

7. It is made clear that till such decision on petitioner's representation, no coercive action, for recovery of the outstanding amount, be taken against the petitioner.

**(Manoj K. Tiwari, J.)**

29.12.2017

Aswal