

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No.3602 of 2018

Smt. Pushpa Uprari

..Petitioner

Versus

Uttarakhand Gramin Bank, Regional Office- III, Maldhar Tower, Simagair Bazar, Pithoragarh

.....Respondent

Present:- Mr. Amit Kapri, Advocate for the petitioner.

Mr. S.R. S. Gill, Advocate holding brief of Mr. K.K. Shah, Advocate for the respondent.

Hon'ble Sudhanshu Dhulia, J. (Oral)

Petitioner had admittedly taken a loan from the respondent bank, which she could not repay. Consequently, the account of the petitioner was declared as “Non Performing Assets” (in short “NPA”) and later the bank proceeded under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (from hereinafter referred to as the “Act”) for recovery of its loan amount. As of now, the petitioner has received the possession notice dated 15.11.2018. Hence, the present writ petition.

2. Learned counsel for the petitioner has given a statement that if the petitioner is given some reasonable time to repay the loan, she is willing to repay the entire outstanding loan amount. Learned counsel for the respondent-bank submits that the bank is willing to take the amount in installments.

3. With the consent of all the parties, the matter stands disposed of with the following directions:-

In case the petitioner deposits an amount of Rs.5,00,000/- (Rupees Five Lakh Only) with the bank within a period of forty five days i.e. on or before 15.01.2019, the respondent-bank would then recover the remaining amount from the petitioner in equal monthly installments spreading over a period of two years or in such installments which is mutually agreed by both the parties. It is made clear that recovery shall not include recovery charges.

4. It is directed that the last installment shall also carry cumulative interest. It is further made clear that in default of payment of any single installment, the Bank shall be at liberty to initiate fresh process for recovery against the petitioner.
5. Let a certified copy of this order be supplied within twenty-four hours on payment of usual charges.

(Sudhanshu Dhulia, J.)
30.11.2018

Nitesh/