

Court No. - 7

Case :- WRIT - C No. - 3153 of 2019

Petitioner :- Jahar Singh

Respondent :- Uttar Pradesh Sahkari Gram Vikas Bank Ltd.

Counsel for Petitioner :- Jaysingh Yadav

Hon'ble Saumitra Dayal Singh,J.

1. Heard learned counsel for the parties.
2. With the consent of learned counsel for the parties, this writ petition is being finally disposed of at this stage without calling for a counter affidavit.
3. Learned counsel for the petitioner states that the petitioner had taken a loan of Rs. 3,80,000/- from the respondent bank for agricultural purpose in the year 2011 against which, the petitioner had deposited Rs. 3,54,000/- details of which has been given in paragraph 4 of the writ petition. However, without issuing any prior demand notice or recovery certificate, the respondent-bank has straight away put the mortgaged property of the petitioner in auction, which is proposed to be held on 08.02.2019. The alleged outstanding amount against the petitioner as on date is Rs. 4,66,215/-
4. Learned counsel for the respondent bank, on the other hand submits that the petitioner had never made payments of the due installment and therefore, a heavy amount has become due against him.
5. Learned counsel for the petitioner further states that in the event, respondent bank have to provide a complete statement and offer reconciliation, the petitioner would be willing to deposit the correct amount being claimed by the bank in installments.
6. Learned counsel appearing for the bank fairly states that the bank is interested in realizing the entire amount along with interest. If the petitioner deposits the amount within the time allowed by this Court, no further action shall be taken against the petitioner by the bank.
7. On the facts and circumstances of the case and in the interest of justice, the writ petition is **disposed of** with the following directions:
 - (i) The petitioner shall deposit an amount of Rs. 1,00,000 before the respondent-bank by 28.02.2019.

(ii) On depositing the aforesaid amount of Rs. 1,00,000/-, the respondent bank shall provide a statement of account to the petitioner within two weeks thereafter disclosing the exact amount disbursed by the bank as loan; exact amount/s repaid by the petitioner together with dates of deposit; rate of interest and amount/s of interest charged by the bank. Such statement be expressed in such terms/language as may be easy to comprehend even by a lay-man such as the petitioner.

(iii) Upon such statement being made available, the petitioner have to file objection of the same within a further period of two weeks therefrom. Upon filing of such objection, the respondent bank shall proceed to decide the same within a period of two weeks therefrom and shall given a fresh statement disclosing the exact amount to be paid by the petitioner.

(iv) The bank shall in the statement so supplied, itself calculate & indicate the amount/s of each installment together with the date of payments due.

(v) Thus, the balance amount so indicated by the bank shall be deposited by the petitioner in four equal quarterly installments from 31.05.2019 onwards.

(vi) Subject to the aforesaid compliance, the mortgaged property of the petitioner that is lying under the attachment with the bank may not be auctioned, however, the attachment may continue till all bank dues are discharged.

(vii) In case of default of the conditions as mentioned above, the present order shall stand automatically vacated.

Order Date :- 31.1.2019

Abhilash