

**Court No. - 3**

**Case :-** WRIT - C No. - 5025 of 2022

**Petitioner :-** Santosh Kumar Sahu

**Respondent :-** State Of U P And Another

**Counsel for Petitioner :-** Satya Narayan Gupta

**Counsel for Respondent :-** C.S.C., Yashwant Singh

**Hon'ble Surya Prakash Kesarwani, J.**

**Hon'ble Jayant Banerji, J.**

Heard Shri S.N. Gupta, learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Shri Yashwant Singh, learned counsel for the respondent no. 2.

This writ petition has been filed praying for the following reliefs :-

"I. Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 provide the statement of account and take a loan amount in easy installment without any recovery charges and further prayed to stay the notice dated 02.02.2022 demanding Rs. 9,73,954/- Plus others (Annexure no. 3) to this writ petition issued by the respondent no. 2 within in some fix some period of time in the interest of justice."

Learned counsel for the petitioner submits that the petitioner is ready and willing to deposit the entire dues of the respondent no. 2 in easy installments and, therefore, the impugned notice may kindly be quashed.

Learned counsel for the respondent-Bank states, on instructions, that the respondent bank is ready and willing to accept the dues amount provided the petitioner deposits 25% of the dues within a month. He further states that in the event the petitioner deposits 25% of the amount within a month towards dues, then the bank shall provide facility of payment of dues in four quarterly installments.

Considering the submissions of learned counsels for the parties and the statement made by learned counsel for the respondent - Bank before this court, this writ petition is **disposed off** with the consent of learned counsels for the parties with the following directions :-

- i). The petitioner shall deposit with the respondent-Bank 25% of the dues within one month.
- ii). On deposit of the aforesaid initial amount, the respondent-Bank shall fix the installment of remaining dues including

interest, payable in four quarterly installments in terms of the statement of the learned counsel for the respondent-Bank.

iii). In the event the petitioner deposits with the respondent-Bank the initial amount of 25% of the dues as aforesaid and continues to deposit quarterly installments, no coercive action shall be taken against the petitioner by the respondent-Bank.

iv). On deposit by the petitioner with the respondent-Bank, the entire due amount including interest as aforesaid, the respondent-Bank shall issue a "no dues certificate" to the petitioner.

v). In the event the petitioner fails to deposit with the respondent-Bank either the initial amount of 25% of the dues or any of the installments as aforesaid, then the respondent-Bank shall be free to take all actions to recover the dues from the petitioner in accordance with law.

(vi). Any amount deposited by the petitioner towards his loan liability which has not been adjusted before or after taking action for recovery, shall also be adjusted while fixing installments.

**Order Date :- 31.3.2022**

A. V. Singh