

Court No. - 8

Case :- WRIT - C No. - 6438 of 2023

Petitioner :- Giri Raj Maurya

Respondent :- Bank Of India, Sandila Hardoi And Others

Counsel for Petitioner :- Upendra Kumar Awasthi

Counsel for Respondent :- Nitin Srivastava,C.S.C.

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the petitioner, learned Standing Counsel for the respondent State, and Sri Nitin Srivastava, learned counsel appearing for the respondent Bank.

It is stated that petitioner has taken loan for commercial purposes, but the same could not be repaid as per the terms of agreement. A recovery certificate for a sum of Rs.9,20,746/- has been issued against the petitioner. This writ petition has been filed with the averment that petitioner is ready and willing to deposit the amount, in case the petitioner is permitted to do so in instalments.

Learned counsel appearing for the respondent Bank has no objection in accepting the amount in installments.

Having regard to the fact that petitioner has offered to pay the entire amount due against him, in our view, the ends of justice require that the petitioner be granted opportunity to deposit the entire outstanding amount due against him in the following manner:

(i) Petitioner shall deposit a sum of Rs.2,50,000/- with the respondent Bank by 31st August, 2023.

(ii) In case the amount, as indicated above, is deposited by the period prescribed, the respondent Bank shall provide a fresh schedule for repayment of balance amount in two equal bi-monthly installments and the same shall be deposited by the petitioner, accordingly. Statement of account shall also be furnished to the petitioner.

(iii) No recovery charges shall be recovered from the petitioner by the respondent authorities.

(iv) Till 31st August, 2023 and if such deposit is made then during the period of deposit of installments, the recovery proceedings will be kept in abeyance. In case the petitioner defaults in depositing initial amount or thereafter installments within the stipulated period, it will be open for the respondents to revive recovery proceedings against the petitioner, in accordance with law.

With the aforesaid observations/directions, this writ petition stands disposed of. No order is passed as to costs.

Order Date :- 31.7.2023

Anil