

(2022) 01 UK CK 0021

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 2846 Of 2021

Amrik Singh

APPELLANT

Vs

Collector/ District Magistrate & Others

RESPONDENT

Date of Decision : 05-01-2022

Acts Referred:

Citation : (2022) 01 UK CK 0021

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : S.K. Mandal, T.S. Phartiyal, N.S. Pundir

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner is challenging citation dated 08.11.2021 issued by Tehsildar, Sitarganj, District Udham Singh Nagar. The said citation is for recovery of

Rs. 71,02,565+ recovery and other charges.

2. By means of this writ petition, petitioner has sought the following reliefs:

â??I. Issue a writ order or direction in the nature of certiorari quashing the Recovery citation dated 08-11-2021 issued by the respondent no. 2

(Contained in Annexure No. 5) to the writ petition.

II. Issue a writ order or direction in the nature of mandamus directing and commanding the respondents to furnish the correct statement of account

and the calculation sheet to the petitioner before recover the loan amount and the loan amount may be recover in easy installment after calculated the

simple interest and permitted to deposit in the respondent bank.â??

3. On the last occasion, learned counsel for petitioner had submitted that amount

mentioned in the recovery citation is many times more than what petitioner is liable to re-pay to State Bank of India.

4. Learned counsel for the respondent-Bank was asked to get instructions in the matter. Today, on instructions, he submits that petitioner had taken four loans and he was guarantor in respect of other two loans which his son had taken from the Bank. He submits that amount indicated in the recovery citation is in respect of all the six loans.

5. Learned counsel for the petitioner, however, submits that the amount indicated in the recovery citation is not correct and petitioner is liable to pay lesser amount.

6. It is not in dispute that petitioner and his son had taken loans from S.B.I., therefore, in case of default, lending bank is well within its right to proceed for recovery of the outstanding amount. Thus, no interference with the recovery citation would be called for.

7. Learned counsel for the petitioner submits that petitioner wants to enter into One Time Settlement of the outstanding dues. He, therefore, submits that petitioner may be permitted to submit a proposal for One Time Settlement to the respondent-bank.

8. Learned counsel for the Bank submits that if petitioner submits a proposal, the same shall be considered as per R.B.I. guidelines expeditiously.

9. Having regard to the facts & circumstances of the case, the writ petition is disposed of with the following directions:

(i) Petitioner shall approach the Competent Authority in the Bank by submitting a proposal, within 48 hours.

(ii) Petitioner shall be supplied copy of statement of account/calculation sheet by concerned branch of the bank, within 72 hours.

(iii) The Competent Authority in the Bank shall consider and decide petitioner's proposal, as per law, within one week.

(iv) Till decision is taken on petitioner's proposal or for a period of ten days, whichever is earlier, no coercive action shall be taken against the petitioner.

10. Let a certified copy of this order be issued within 24 hours.