
(2021) 07 UK CK 0115

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1638 Of 2018

Deen Bandhu Mandal

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 16-07-2021

Acts Referred:

Citation : (2021) 07 UK CK 0115

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : M.K Ray, H.M. Raturi, Anju Mehta

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner has filed this writ petition seeking the following reliefs:

â??(A) Issue a writ order or direction in the nature of certiorari to quash the impugned recovery citation dated 21.05.2018 issued by the respondent

no. 2, whereby the petitioner has been directed to pay a sum of Rs. 5,43,232/- only (Rs. Five Lac, Forty Three Thousand, Two Hundred Thirty Two)

alongwith the other charges.

(B) Issue a writ, order or direction in the nature of mandamus directing the respondents not to take any coercive measure against the petitioner with

respect to the aforesaid recovery citation and alternatively to accept the aforesaid loan amount in equal and easy installments as will be fixed by this

Honâ??ble court in the facts and circumstances of the present case.â??

2. A Co-ordinate Bench of this Court vide order dated 12.06.2018 had granted protection against recovery proceedings to the petitioner, subject to

condition of his depositing a sum of Rs. 50,000/- with the respondent-Bank, within one week.

3. Learned counsel for the petitioner submits that petitioner has deposited a sum of Rs. 50,000/- with the respondent-Bank in terms of order of this

Court.

4. Petitioner has not disputed his liability to re-pay the loan. In prayer (B), petitioner has sought facility to re-pay the loan in easy installments. The

Recovery Citation issued against the petitioner is for Rs. 5,43,232/- + other charges.

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

(i) Petitioner shall approach the bank authorities by making representation within three weeks from today for fixing installments to re-pay the

outstanding amount, if any.

(ii) Alongwith his representation, petitioner shall deposit a sum of Rs. 50,000/- to show his bona fide.

(iii) The Competent Authority in the respondent-Bank shall consider petitioner's representation and pass appropriate order, in accordance with

law, within three weeks thereafter.

(iv) The Branch Manager shall also supply latest statement of account to the petitioner.

(v) If petitioner deposits the outstanding amount to the respondent-Bank directly without using the agency of Revenue Department, then petitioner

shall not be liable to pay recovery charges.

(vi) For a period of six weeks or till decision on petitioner's representation, whichever is earlier, no coercive action shall be taken against the

petitioners.