(2011) 10 SHI CK 0056

In the High Court Of Himachal Pradesh

Case No : CWP No. 9221 of 2011-C

Dr. Abdul Rehman APPELLANT

Vs

State Bank of India and Others RESPONDENT

Date of Decision : 24-10-2011

Acts Referred:

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI) — Section 13

Citation : (2011) 10 SHI CK 0056

Hon'ble Judges : Kurian Joseph, C.J;Sanjay Karol, J

Bench : Division Bench

Judgement

Justice Kurian Joseph, C.J.—The writ petition is filed with the following prayers:

(1) That the respondents may kindly be directed to settle the loan amount case of the petitioner in one time settlement scheme.

(2) That the respondents may kindly be directed to drop the proceedings u/s 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act.

(3) That the respondents may kindly be directed to calculate properly the rate of interest on the loan amount and calculate properly the balance amount which is due on the part of the petitioner on the monthly instalments.

2. According to the petitioner after submitting Annexure P-3, there is no response from the respondent Bank. It is seen from Annexure P-3 that the petitioner has expressed his willingness to go for one time settlement. The petitioner has also asked for settlement of liability.

3. In case there is a Scheme for one time settlement available with the respondent Bank, in view of the willingness expressed by the petitioner, it will be appropriate that the representation is considered by the Bank. Therefore, this writ petition is disposed of as follows:

4. In case there is any Scheme for one time settlement available with the respondent-Bank, the petitioner may be intimated as to the amounts to be paid by the petitioner for settling the entire liability and also the amounts to be paid by the petitioner for consideration of the case of the petitioner under one time settlement Scheme, within 10 days from today. Subject to the petitioner remitting the required amount within the permitted time for consideration of the case of the petitioner for settlement under one time settlement Scheme, further proceedings pursuant to Annexure P-2 will be deferred till orders are passed on the request of the petitioner for one time settlement. It is further made clear that in case the petitioner does not remit either of the amounts within the required time, it will be open to the Bank to pursue with the steps for recovery.

5. In case, no Scheme is available in the Bank for the settlement under one time settlement, the petitioner may be issued current status of his loan, so as to grant him an opportunity to pay the dues and also verify the correctness of the payments already made by him.

6. The writ petition is disposed of, so also the pending applications, if any.

7. The petitioner will produce a copy of this judgment along with the copy of the writ petition before the first respondent within three days.

Authenticated copy.