
(2021) 07 UK CK 0130

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1470 Of 2018

Madan Lal

APPELLANT

Vs

District Magistrate, Haridwar & Others

RESPONDENT

Date of Decision : 20-07-2021

Acts Referred:

Citation : (2021) 07 UK CK 0130

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : T.S. Phartiyal, Siddhartha Sah

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Heard learned counsel for the parties through video conferencing.
2. Petitioner is a borrower, who took agricultural loan from Canara Bank, Branch Bhagwanpur, District Haridwar. Since he could not re-pay the loan amount, therefore, the bank proceeded for recovery of the outstanding dues.
3. In the present writ petition, petitioner has challenged the recovery citation dated 15.11.2017 issued by Tehsildar for recovery of Rs. 5,29,667/-+ other charges.
4. A Coordinate Bench of this Court vide order dated 29.05.2018 granted protection to the petitioner from recovery proceedings, provided he deposits a sum of Rs. 25,000/- with the bank, within three weeks. In the said order, Coordinate Bench has also recorded that petitioner had deposited a sum of Rs. 55,000/- in the month of March, 2018.
5. On 16.07.2021, learned counsel appearing for the bank was asked to get

instruction regarding exact outstanding amount as on 30.06.2021. Today, on instruction, Mr. Siddhartha Sah, learned counsel appearing for the bank submits that at present, the outstanding amount against the petitioner is Rs. 4,00,000/-. He further submits that petitioner had approached the bank for One Time Settlement of the outstanding dues, however, after depositing the proposal amount, he did not turn up.

6. From the submission made by learned counsel for the bank, it is apparent that petitioner is willing to re-pay the loan and his bona fide is apparent from the proposal, which he submitted to the bank for One Time Settlement.

7. Having regard to the facts and circumstances of the case, the writ petition is disposed of with the following directions:-

(I) Petitioner shall deposit a sum of Rs. 50,000/- with the respondent-Bank, within five weeks from today. Subject to deposit of Rs. 50,000/-, the respondent-Bank shall consider the proposal submitted by the petitioner for One Time Settlement and pass appropriate order, in accordance with law, within four weeks thereafter.

(II) The proposal of One Time Settlement submitted by the petitioner, if accepted by the bank, then the petitioner shall deposit the remaining amount as per One Time Settlement, within two months.

(III) In the event, petitioner fails to deposit Rs. 50,000/- within five weeks from today or in case he fails to deposit the remaining amount as per One Time Settlement, within the stipulated period, then petitioner shall not be entitled to protection of this order and the respondent-Bank shall be at liberty to proceed for recovery of outstanding dues from the petitioner, in accordance with law.

(IV) Since petitioner's counsel is not present before this Court, therefore, it shall be duty of the Manager of the concerned Branch of Canara

Bank to communicate this order to the petitioner, as early as possible, but not later than ten days from today.

8. Let a certified copy of this order be issued by 22.07.2021.