
(2021) 03 UK CK 0137

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 702 Of 2021

Matbar Singh Chauhan

APPELLANT

Vs

Uttarkashi District Cooperative Bank And Another

RESPONDENT

Date of Decision : 22-03-2021

Acts Referred:

Citation : (2021) 03 UK CK 0137

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Harshit Sanwal

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Petitioner took two loans from Uttarakhand District Cooperative Bank Limited. Since he could re-pay the loan in time, therefore, demand notice has been issued to him by the respondent-Bank. Thus, feeling aggrieved, petitioner has approached this Court seeking following reliefs:

"a) Issue an appropriate writ order or direction in the nature of certiorari quashing the demand notice numbered 28/1 and 28/2 dated 4.3.2021 (ANNEXURE NO. 12) and directing for fresh notice after due determination of the liability of the petitioner towards the loan account (account no. 001219012000001) and Cash Credit account (Account no. 001215029100001);

b) Issue an appropriate writ order or direction in the nature of mandamus directing and commanding the respondent bank to provide the petitioner with the documents pertaining to his loan accounts, as well as complete details of the loan account, loan account (account no. 001219012000001) and Cash Credit account (Account no. 001215029100001), including the particulars of guarantors and other material particulars;

c) Issue a writ, order or direction in the nature of mandamus directing and

commanding the Respondent bank to ascertain and provide the correct statement of account (s) to the Petitioner pertaining to the loan account (account no. 001219012000001) and Cash Credit account (Account no. 001215029100001) maintained by the Petitioner with the Respondent no. 2 bank, and to thereafter recover the balance loan amount in question from the Petitioner in easy instalments;"

2. Learned counsel for the petitioner submits that there are certain discrepancies in the demand notice, inasmuch as, inflated amount is shown as due from the petitioner and there are various other discrepancies in the material particulars given in the demand notice.

3. Since, according to the petitioner, there are discrepancies in the particulars given in the demand notice, which can be corrected by the Bank, if need be, therefore, this Court thinks that ends of justice would be met if petitioner is permitted to make representation to the Competent Authority in the Bank, who will look into the matter.

4. Accordingly, the writ petition is disposed of with liberty to petitioner to make representation to Secretary, Uttarkashi District Cooperative Bank Limited (respondent no.1), within one week from today. If such representation is made within the stipulated period, Secretary shall look into the matter and pass appropriate order, in accordance with law, within a period of two weeks from the date of receipt of representation alongwith certified copy of this order.

5. Till decision is taken by the Secretary/ General Manager, no coercive steps shall be taken against the petitioner.