

(2012) 01 AHC CK 0074
In the Allahabad High Court
Case No : Writ C No. 2509 of 2012

M/s Jaiswal Namkeen Bhandar

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 13-01-2012

Acts Referred:

Citation : (2012) 01 AHC CK 0074

Hon'ble Judges : Vineet Saran, J; Ashok Pal Singh, J

Bench : Division Bench

Advocate : Raj Mani Dubey and M.C. Singh, for the Appellant; Rajiv Sharma and Sanjai Singh, for the Respondent

Judgement

1. Heard learned counsel for the petitioner as well as learned Standing Counsel appearing for the respondents no. 1, 6 and 7, Sri Rajiv Sharma, learned counsel appearing for the respondents no. 2, 3 and 4 -Khadi and Village Industries and Sri Sanjay Singh, learned counsel appearing for the respondent no. 5 -Punjab National Bank and have perused the record. With consent of the learned counsel for the parties, this writ petition is being disposed of at this stage without calling for a counter affidavit. The case of the petitioner is that he had taken a loan from the respondent no. 5 -Punjab National Bank sometime in the year 2005. According to the petitioner, the said loan was taken under the scheme of the Khadi and Village Industries which had assured to provide a subsidy of Rs. 1.5 lacs which has yet not been paid to the petitioner.

2. Sri Rajiv Sharma, learned counsel for the respondent no. 5 does not dispute the fact that the case of the petitioner with regard to grant of subsidy is still pending.

3. The petitioner thus submits that the recovery proceedings which have now been initiated against the petitioner be withdrawn till the said subsidy is granted by the Khadi and Village Industry. It is also submitted that upto date the petitioner has already deposited a sum of Rs. 4,30,126/?towards the loan

amount which goes to show that the petitioner has intention to pay the loan amount.

4. The recovery which has now been initiated against the petitioner is for a sum of Rs. 5,83,000/- plus interest and other charges. Sri Sanjay Singh, learned counsel for the respondent-Bank has, however, stated that the matter relating to grant of subsidy is between the petitioner and the Khadi and Village Industry and has nothing to do with the Bank and as such they are entitled to recover the said amount from the petitioner. He has further stated that in case the petitioner deposits 1/4th of the loan amount sought to be recovered from the petitioner, the Bank would be agreeable to fix installments for repayment of the balance amount. In the aforesaid facts and circumstances, we dispose of this writ petition with the following directions:-

(i) The petitioner may move a fresh representation for grant of subsidy before the respondent no. 3 within two weeks from today. On receipt of the said representation, the respondent no. 3 shall take a decision with regard to grant of subsidy to the petitioner within three weeks thereafter.

(ii) The petitioner may further deposit a sum of Rs. 1,50,000/- with the respondent no. 5 -Bank within one month from today. If the said amount is deposited within the period of one month and the petitioner also files an application with the Bank for fixation of installments, the Bank shall fix installments for repayment of the balance amount which may be spread over one year. In case the petitioner complies with the aforesaid direction, the recovery against the petitioner in pursuance of the recovery certificate dated 26.12.2011 shall remain in abeyance.

(iii) In case the subsidy is granted by the respondent no. 3, the amount of subsidy which is granted and deposited by the respondent no. 3 with the respondent no. 5-Bank shall be adjusted from the amount which is sought to be recovered from the petitioner.

(iv) In case of default in making payment of Rs. 1,50,000/- or any of the installments as may be fixed by the Bank, the aforesaid arrangement shall stand withdrawn and the respondent-authorities shall be at liberty to press the recovery certificate.