
(2021) 07 UK CK 0114

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1656 Of 2018

Nirmal Mandal

APPELLANT

Vs

Collector/District Magistrate, District Udham Singh Nagar And
Others

RESPONDENT

Date of Decision : 16-07-2021

Acts Referred:

Citation : (2021) 07 UK CK 0114

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : S.K. Mandal, H.M. Raturi, Anju Mehta

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. By means of this writ petition, petitioner has sought following reliefs:-

â??I. Issue a writ order or direction in the nature of certiorari quashing the Recovery Citation dated 21 -05-2018 issued by the respondent no. 2

(Contained in Annexure No.2) to the writ petition.

II. Issue a writ order or direction in the nature of mandamus directing and commanding the respondents not to recover any amount in pursuance of

recovery citation dated 21-5-2018 and if any amount is remaining due towards the petitioner, same may be permitted to deposit in the respondent bank

in easy instalments after calculated the simple interest.â??

2. A coordinate Bench of this Court vide order dated 12.06.2018 had granted protection to the petitioner against the recovery proceedings, provided he

deposits a sum of ₹ 10,000/-with the Bank within two weeks.

3. In prayer no. II, petitioner has sought the facility of re-payment of the outstanding loan amount in easy instalments. The amount indicated in the recovery citation is ₹ 1,05,753/-. As against the said amount, petitioner has deposited a sum of ₹ 10,000/- pursuant to the order of this Court.
4. Since petitioner has admitted his liability to re-pay the loan, therefore, no interference with the recovery citation would be called for.
5. Learned counsel for the petitioner submits that sometime be given to the petitioner for re-payment of the loan.
6. Having regard to the facts and circumstances of the case, the writ petition is disposed of by permitting the petitioner to approach the Competent Authority in the Bank by making a representation, seeking permission to re-pay the outstanding amount in installments. He shall, however, deposit a sum of ₹ 10,000/-, within three weeks from today to show his bona fide. The Competent Authority in the Bank shall take decision on petitioner's representation, in accordance with law, within a period of three weeks from the date of receipt of such representation. The Bank shall also provide statement of account to the petitioner, so that petitioner may ascertain the exact amount, which he is liable to pay.
7. For a period of six weeks or till decision on petitioner's representation, whichever is earlier, no coercive action shall be taken against the petitioner.