Vivek Kumar Singh, Vs. State of U.P. and Others

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SooperKanoon Citation : sooperkanoon.com/917636

Court : Allahabad

Decided On : Mar-14-2011

Judge : Satya Poot Mehrotra; Rajesh Chandra, JJ.

Appeal No. : WRIT - C No. - 15306 of 2011

Appellant : Vivek Kumar Singh

Respondent : State of U.P. and Others

Advocate for Def. : C.S.C.; Anadi Krishna Narayana, Advs

Advocate for Pet/Ap. : Amaresh Chandra Tiwari, Adv

Judgement :

1. The petitioner took loan from the respondent no.2-Bank of Baroda under the Prime Minister Rojgar Yogna for purchasing pots and pans in the year 2008. The petitioner committed default in payment of loan, and consequently, recovery proceedings have been initiated against the petitioner. The Recovery Citation dated 29.12.2010 has been issued in this regard. Copy of the Recovery Citation has been filed as Annexure-1 to the Writ Petition. As per the said Recovery Citation, an amount of Rs. 1,51,617- plus other charges is due from the petitioner.

2. We have heard Shri Amaresh Chandra Tiwari, learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondent nos. 1 and 3 and Shri Ajal Krishna, learned counsel for the respondent no.2.

3. Shri Amaresh Chandra Tiwari, learned counsel appearing for the petitioner states that the petitioner is ready to pay the entire amount due from him together with up-to-date interest if time to deposit the same in instalments is granted.

4. Shri Ajal Krishna, learned counsel appearing for the respondent no.2 and the learned Standing Counsel appearing for the respondent nos. 1 and 3 have no objection to the aforesaid prayer made on behalf of the petitioner.

5. In the circumstances, the present Writ Petition is disposed of finally with the following directions:

(i) The petitioner may deposit the entire amount sought to be recovered directly with the contesting respondent no.2-Bank in six equal monthly instalments, as mentioned hereunder, with up-todate interest.

(ii) The first instalment may be deposited by 1.4.2011 and thereafter the remaining amount may be deposited in five monthly instalments payable on first working day of each succeeding month starting with effect from May 2011. Any amount already deposited will be adjusted.

(iii) This order will not affect any auction or sale which mayalready have taken place.

(iv) If the petitioner deposits the instalments with up-to-date interest, as fixed by this Court, in time, the recovery shall be kept in abeyance but if the petitioner commits default in paying any of the instalment, this order shall stand vacated and the respondents will be at liberty to proceed against the petitioner in accordance with law.

(v) On deposit of all the instalments with up-to-date interest, as fixed by this Court, in time, and also 50% of the recovery charges, the recovery proceedings against the petitioner shall be dropped.

(vi) This order will not be applicable if the petitioner has filed any earlier writ petition challenging the recovery of this loan.