

**SUPREME COURT OF INDIA**

Union Bank of India

Vs.

Sri Laxmidhar Nayak

C.A.No.1071 of 2009

(B.N. Agrawal and G.S. Singhvi JJ.)

16.02.2009

**ORDER**

Delay condoned.

Leave granted.

Heard learned counsel for the parties.

1. By the impugned order, the High Court has directed the borrower to pay in instalments by assuming that in terms of One Time Settlement, a sum of Rs.14,60,000/- was payable by the respondents to the Bank. This assumption was founded on letter dated 10th February, 2007, written by the Central Assistant Public Information Officer of the Bank in response to an application made by Smt. Manjulata Nayak under the Right to Information Act. In that letter, the amount due was shown as Rs.14,56,623/- as on 30th June, 2006. We have gone through that letter and find that the same does not contain any indication that the Bank had agreed for One Time Settlement by accepting a sum of Rs.14,60,000/-. Therefore, the High Court was not justified in relying upon that letter for compelling the Bank to accept the total amount of Rs.14,60,000/- by ignoring that as on the date of order the outstanding dues were more than Rs.14,60,000/-. In this view of the matter, it will be just and proper to remit the case to the High Court for fresh decision of the writ petition filed by the respondents.

2. Accordingly, the appeal is allowed, impugned order is set aside and the matter is remitted to the High Court to decide the matter afresh keeping in view the outstanding dues of the Bank on the date of the order, which the High Court may pass pursuant to this order.