

IN THE DEBTS RECOVERY TRIBUNAL-II AT AHMEDABAD
(Laxman Madnani, Presiding Officer)

O.A.No.528 of 2023

Date of Filing : 14.04.2023

Date of Decision : 30.04.2024

STATE BANK OF INDIA

.....APPLICANT

VERSUS

MR.SATISHBHAI GANGADAS PATEL

.....DEFENDANT

Appearance:

Ms.Asha Panchal, Ld. Counsel for Mr.C.S.Sankhla, Ld. Counsel for the Applicant Bank.

None for the Defendant.

ORDER

- 1) This case is taken up for consideration on withdrawal affidavit filed at Ex.A/07 on receipt of settlement amount from the defendant under compromise.
- 2) Ld. Counsel for the Applicant Bank has filed withdrawal affidavit at Ex.A/07 duly sworn by Mr.Pravin Kumar Jha, Chief Manager, of the Applicant Bank, stating therein that the Defendant has approached the Applicant Bank and paid the entire compromise amount and accordingly Defendant has paid full and final settlement amount of Rs.32,00,000/- on 25.03.2024 to the Applicant Bank and by that way, loan account has been settled with the Applicant Bank. As such, the Applicant Bank does not want to proceed further in the present Original Application. It is further submitted that the Applicant Bank has also issued settlement No Due Certificate dated 12.04.2024 along with compromise sanction letter Ref.No.SARB/10059/2023-24/SNK/1365 dated 20.01.2024 in favour of the Defendant. Copy of the said settlement letter, certificate is annexed along with affidavit so filed at Ex.A/07.
- 3) Ld. Counsel for the Applicant Bank submitted that since the Applicant Bank has recovered the agreed settled amount, as such, the Bank does not want to proceed with the instant Original Application and prayed for withdrawal of Original Application. Further, Applicant Bank has also requested to refund the amount of Court fees paid by the Applicant Bank in the present matter.

- 4) Since the Applicant Bank has received the entire settlement amount and no claim remains to be satisfied, as such, the Original Application deserves to be dismissed as withdrawn. Further, with regard to the request made for refund of Court Fee, appropriate application can be filed before Ld. Registrar in accordance with law and Ld. Registrar would proceed further as per provisions of Section 19(3A) of Act, 1983 and the Debt Recovery Tribunal for refund of Court Fee as per rule 13.
- 5) Since the Applicant Bank has received the entire compromise amount and no claim remains to be satisfied, as such, the Original Application deserves to be dismissed as withdrawn.

Order

- i. That the OA No.528 of 2023 is hereby dismissed as withdrawn on the basis of withdrawal affidavit filed at Ex.A/07 by the applicant bank, along with all pending IAs, if any.
- ii. The case file be consigned to records.

(LAXMAN MADNANI)
PRESIDING OFFICER
DRT-II, AHMEDABAD