

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY
AND
HON'BLE SRI JUSTICE K.LAKSHMAN**

WRIT PETITION No.9408 OF 2020

ORDER: *(per Hon'ble Sri Justice A.Rajashekeer Reddy, J)*

This Writ Petition is filed seeking writ of mandamus declaring the action of the respondent Bank in not considering the representations of the petitioner dated 09.05.2020 and 01.06.2020 requesting to extend the time for an additional period of 90 days for the payment of OTS amount sanctioned on 30.09.2019 for the loan account numbers 31230130888 and 31230429720 without considering the prevailing pandemic, as illegal and arbitration and consequently to direct the respondent Bank to extend 90 days time enabling the petitioner to clear the outstanding amount due under the OTS scheme.

Heard Mrs.Almas Mohammed, learned counsel for the petitioner and Sri Ambadipudi Satyanarayana, learned Standing Counsel for the respondent Bank.

Learned counsel for the petitioner submits that the petitioner could pay only 20% of the OTS amount and balance 80% of the amount could not be paid due to prevailing Covid-19. He submits that as there was no improvement, petitioner industry is running with 40% of the staff and they have also requested the respondent Bank

for further extension of time. As respondent Bank has not acceded to the request of the petitioner, present writ petition is filed.

On the other hand, learned Standing Counsel for the respondent Bank submits that because of the Covid-19, the time for payment of amount under OTS was extended to all the borrowers till 30.06.2020, as such, there cannot be any further extension. He further submits that the petitioner has not paid any amount to show his bonafides during these three months period of extension of time.

In this case, it is to be seen that the Hon'ble Apex Court has extended the limitations under several statutes, where there is no provision for condonation of delay also, till further orders or till the lockdown is lifted. The Hon'ble Full Bench of this Court also extended interim orders taking into consideration of the prevailing Covid-19. No doubt, as contended by the learned Standing Counsel for the respondent Bank that the OTS is a special scheme and time for payment under said scheme is provided and same as extended to the petitioner, and same cannot be again extended as it will violate the very scheme itself. But the situation is extraordinary affecting the entire humanity and judicial notice has already been taken of the same. Learned Standing Counsel could not dispute the situation due to Covid-19 prevailing in the country.

In view of above extraordinary circumstances, we are of the opinion that the petitioner can be granted time for payment entire due under OTS till the end of August, 2020.

In view of above facts and circumstances, in order to show his bonafides, petitioner is permitted to pay 25% of the outstanding amount by the end of this month i.e., July, 2020 and balance 75% of the amount, by the end of August, 2020. Failing which, it is open for the respondent Bank to take appropriate action, in accordance with law.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand dismissed.

A.RAJASHEKER REDDY, J

K.LAKSHMAN, J

02.07.2020

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AND
HON'BLE SRI JUSTICE K.LAKSHMAN**

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(Order of the Division Bench delivered by Hon'ble Sri Justice A.Rajasheker Reddy)



Date: 02.07.2020

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