

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16717 of 2021**

=====

DHIRJI KESARJI GADHVI

Versus

STATE OF GUJARAT

=====

Appearance:

MS NIYATI K SHAH(2935) for the Petitioner(s) No. 1

for the Respondent(s) No. 2

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP(99) for the
Respondent(s) No. 1

=====

CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 18/11/2021****ORAL ORDER**

1. Heard Ms.Niyati Shah, learned advocate for the petitioner.
2. It is submitted that the petitioner has availed of loans on four occasions and all the amounts towards the loan have been duly paid to the Bank of Baroda for which, necessary No Due Certificate has been issued. The attention is invited to (i) page-53 - certificate dated 02.06.2016 with regard to the bank Entry No.675; (ii) page No.59 (Entry No.942) dated 11.08.2016; (iii) page No.60 (Entry No.491) dated 25.05.2006 and (iv) page no. 62 - No Due Certificate dated 26.09.2017 with respect to the vehicle. It is submitted that though the loan amounts availed of by the petitioner have been duly returned; the bank has issued the notice dated 08.12.2020, which was never served upon the petitioner, followed by the communication dated 18.06.2021. It is submitted that the action of the respondent bank has been in violation of the principles of natural justice inasmuch as, no hearing or any opportunity was provided to the petitioner.

3. Considered the submissions made. Issue notice, returnable on **17.12.2021.**

4. In the meantime, the respondent bank is restrained from taking any coercive action against the petitioner. Direct service is permitted.

Hitesh

(SANGEETA K. VISHEN,J)