

Prakash Chand Vs. Managing Director & Ors.

CWP No. 11488 of 2025

30.07.2025 Present: Mr. Naresh Kumar Tomar, Advocate, for the petitioner.

Mr. Parmod Singh Thakur, Advocate, for respondents No. 1 to 3.

Mr. Anup Rattan, Advocate General, Mr. Rajan Kahol, Mr. Vishal Panwar & Mr. B.C. Verma, Additional Advocate Generals, with Mr. Ravi Chauhan, Deputy Advocate General, for respondent No. 4-State.

CWP No. 11488 of 2025 & CMP No. 16713 of 2025

Petitioner herein, who is a guarantor, is aggrieved of order dated 17.06.2025 passed by Collector (Recovery) Bank, District Sirmaur and Kinnaur, thereby calling upon him to pay sum of Rs. 1,78,070/- on account of default in repayment of loan by principal borrower (Annexure P-3).

While claiming that no opportunity of hearing was ever afforded by the authority concerned before passing aforesaid order, it has also been claimed at the behest of the petitioner that proceedings for recovery of amount, as detailed herein above, is being effected under Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973 (in short "Act"), which otherwise is not applicable in the case at hand for the reason that principal borrower had availed the facility of consumer loan. The definitions under afore Act, unless the context otherwise requires, are as follows:-

“(a) “financial assistance” means any financial assistance rendered

(i) for the purpose of vocation or technical training; or

(ii) for the construction of residential buildings; or

(iii) for providing drinking water kuhl or pipe line; or

(iv) for the development of animal husbandry, agriculture or horticulture; or

(v) for establishing, expanding or running any village or cottage industry; or

(vi) for purpose of any other kind of planned development; or

(vii) for relief against distress; or

(viii) for loan under the National Loan Scholarship Scheme;

(b) “State Government” means the Government of Himachal Pradesh.

To clarify the aforesaid aspect of the matter, let respondents No. 1 to 3, who are represented by Mr. Parmod Singh Thakur, Advocate, file short reply within two weeks.

Dasti notice to respondent No. 5 be issued, returnable for 01.09.2025, on taking steps within two days.

Till the next date of hearing, no coercive action shall be taken against the petitioner pursuant to recovery proceedings initiated vide order dated 17.06.2025 (Annexure P-3).

CMP No. 16714 of 2025

The application is disposed of with direction to the applicant/petitioner to file the translated copy of document in issue within four weeks.

July 30, 2025
(*sunil*)

(Sandeep Sharma),
Judge