

GAHC010187062023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4914/2023

PUNJAB NATIONAL BANK
A BODY CORPORATE CONSTITUTED UNDER THE BANKING COMPANIES
(ACQUISITION AND TRANSFER OF UNDERTAKING) ACT, 1970, HAVING ITS
HEAD OFFICE AT PLOT NO.4, SECTOR 10, DWARKA, NEW DELHI- 110075,
CARRYING ON BANKING BUSINESS AT DIFFERENT PLACES ALL OVER
INDIA INCLUDING A CIRCLE OFFICE AT NILGIRI MANSION,
BHANGAGARH, G.S.ROAD, GUWAHATI- 781005, THROUGH ITS
AUTHORISED PERSON SAMIR GIRI, AGED ABOUT 40 YEARS, S/O- AMULYA
KUMAR GIRI, WORKING IN THE CAPACITY OF CHIEF MANAGER, PUNJAB
NATIONAL BANK, CIRCLE SASTRA, GUWAHATI, ASSAM

VERSUS

ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION(ATEPFO)
AND 2 ORS
HAVING ITS OFFICE AT NIDHI BHAWAN, NIKAMUL SATRA, MAZGAON,
TEZPUR, DIST.- SONITPUR, ASSAM- 784154

2:THE RECOVERY OFFICER
ASSAM TEA EMPLOYEES PROVIDENT FUND ORGANISATION (ATEPFO)
HAVING ITS OFFICE AT NIDHI BHAWAN
NIKAMUL SATRA
MAZGAON
TEZPUR
DIST.- SONITPUR
ASSAM- 784154

3:KETTELA TEA COMPANY PVT. LTD.
THROUGH ITS DIRECTORS
HAVING ITS OFFICE AT KETTELA TEA ESTATE
P.O. BORGANG
DIST.- SONITPUR

ASSAM- 78416

Advocate for the Petitioner : MR. A GANGULY

Advocate for the Respondent : SC, ATEPFO

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

28.08.2023

Heard Mr. A. Ganguly, learned counsel for the petitioner and Mr. A. Das, learned counsel representing Assam Tea Employees' Provident Fund Organization [ATEPFO].

2. The petitioner claiming to be a secured creditor and a certificate holder under the Recovery of Debts and Bankruptcy Act, 1993, has preferred the writ petition to assail an e-Auction Sale Notice dated 28.07.2023 published for 'sale of Movable and Immovable Properties of M/s Kettela Tea Company Private Limited' [the respondent no. 3].

3. As per the said e-Auction Sale Notice dated 27.07.2023, the date of e-Auction is 29.08.2023. The e-Auction Sale Notice has been published pursuant to a Certificate no. PF/Recovery/2019/D-109/1967-71 dated 02.02.2009 for recovery of an amount of Rs. 80,01,755.36 from M/s Kettela Tea Company Private Limited [the respondent no. 3] bearing Code no. D-109. The petitioner Bank is in possession of a Recovery Certificate for an amount of Rs. 2,19,38,548.55 whereas the e-Auction Sale Notice has mentioned the reserved price for 'the Movable and Immovable Properties' of M/s Kettela Tea Company Private Limited [the respondent no. 3] @ Rs. 946.60 lakhs.

4. Mr. Das, learned counsel appearing for the respondent Assam Tea Employees' Provident Fund Organization [ATEPFO] has placed a letter bearing no. PF/[R]/2023/3667 dated 25.08.2023, to submit that the e-Auction Sale scheduled on 29.08.2023 pursuant to the e-Auction notice dated 27.07.2023, has since been cancelled. At this stage, Mr. Ganguly,

learned counsel for the petitioner Bank has submitted that there is possibility of publication of e-Auction Sale Notice at a subsequent date and in the event of publication of e-Auction Sale Notice by the respondent ATEPFO, the petitioner Bank should be given due notice about such e-Auction Sale since it is also holding a Recovery Certificate under the Recovery of Debts and Bankruptcy Act, 1993. Mr. Das, learned counsel representing ATEPFO has, in response, submitted that notice would be given to the petitioner Bank in the event of publication of any e-Auction Sale Notice in future.

5. As the e-Auction Sale Notice dated 27.07.2023 which is the subject-matter of challenge in this writ petition, has since been cancelled, there is no live issue present for adjudication in the instant writ petition and accordingly, the writ petition is closed.

6. Taking note of the submissions of the learned counsel for the petitioner Bank and the respondent ATEPFO authorities, it is observed that in the event any e-Auction Sale Notice is published or any Sale Process in any other mode is undertaken by the respondent ATEPFO in respect of movable and immovable properties of M/s Kettela Tea Company Private Limited [the respondent no. 3], the respondent ATEPFO shall duly, in advance, inform about the same to the petitioner Bank.

JUDGE

Comparing Assistant