

**Court No. - 9**

**Case :-** CONTEMPT APPLICATION (CIVIL) No. - 6135 of 2023

**Applicant :-** Akhilesh Kumar Sharma

**Opposite Party :-** Manoj Kumar, Assistant General Manager,  
Bank Of Baroda

**Counsel for Applicant :-** Manoj Kumar Tiwari, Kuldeep Singh

**Hon'ble Rohit Ranjan Agarwal, J.**

The writ Court on 30.11.2022 while disposing of Writ-C No. 12382 of 2022 passed the following order:-

*"Heard learned counsel for the petitioner, learned Standing Counsel for the State respondent and perused the record. Notice on behalf of the bank has been received by the counsels whose names are shown in the cause list but they are not present before us.*

*The petitioner is an auction purchaser of the secured asset. He seeks refund of the auction amount of Rs. 93,24,600/-, 25% of the total bid amount which had deposited pursuant to the sale confirmation letter dated 9.12.2021 and the sale certificate dated 4.2.2022 issued by the bank.*

*It is sought to be submitted that the borrower has approached the Tribunal and the Presiding Officer has passed an interim order in favour of the borrower.*

*This fact has not been disclosed by the bank at the time of auction sale or issuance of sale certificate.*

*The submission is that it was the duty of the bank to disclose all relevant material especially the facts in relation to the property in question at the time of auction.*

*Considering the said submission, we find that factual enquiry cannot be made at this end.*

*We relegate the petitioner to approach the bank concerned for refund of the amount by moving a proper application along with the copy of this order within a period of two weeks from today.*

*In case such an application is moved, the bank concerned shall be under obligation to take an expeditious decision, in accordance with law.*

*The writ petition is, accordingly, disposed of."*

From perusal of the order, it is clear that matter was relegated back

to the Bank giving liberty to the applicant to move an application in regard to his grievance. The said application was to be decided by the Bank expeditiously, in accordance with law.

A compliance affidavit has been filed by the Bank wherein it has been stated that decision has been taken by the Bank on 18.07.2023 on the application moved by the applicant.

In view of said fact, as the order of writ Court was only to the extent to decide the application filed by the applicant which the Bank has done on 18.07.2023, copy of which has been brought on record as Annexure-1 to compliance affidavit, the contempt application is rendered infructuous and the same stands dismissed.

Contempt notice stands discharged.

However, leaving it open to the applicant to assail the order passed by Bank before the appropriate authority, if so advised.

**Order Date :- 6.11.2023**

V.S.Singh