

Court No. - 3

Case :- WRIT - C No. - 10675 of 2023

Petitioner :- Poonam Mishra Alias Poonam Kumari

Respondent :- State Of U.P. Thru. Prin. Secy. Finance Civil
Sectt. Lko. And Others

Counsel for Petitioner :- Rahul Mishra,Avnish Kumar Tiwari

Counsel for Respondent :- C.S.C.,Prashant Kumar
Srivastava,Shiv

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

1. Petitioner, who is an auction purchaser in an auction conducted by the respondent bank claims that she has deposited the entire auction amount of Rs.7,11,000/- on 14.9.2012 but till date, possession of the property auctioned to her is not provided to her.

2. Learned counsel for petitioner submits that the petitioner is ready that either the bank may provide her the possession of the property or her entire amount may be refunded with appropriate interest by filing a supplementary affidavit today, which is taken on record.

3. Shri Prashant Kumar Srivastava, learned counsel for bank states that the bank has not yet received the possession of the property and the matter is pending in a writ petition before the High Court. He further submits that the bank is not in a position to provide a specific time frame in which the possession can be given to the petitioner as the matter is subject to decision pending in the writ petition.

4. Learned counsel for petitioner prays that in the given circumstances, petitioner prays for refund of the entire amount.

5. In the given facts and circumstances, it is provided that the

bank, since it has failed to provide possession to the petitioner in last more than 11 years and still is not in a position to give a specific time frame for handing over the possession, it should refund the amount of Rs.7,14,000/- deposited by petitioner in the year 2012 with the respondent bank along with interest at MCLR plus 1%. The refund shall be made within a period of two months from today.

6. With the aforesaid directions, petition stands ***disposed of***.

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[Manish Kumar, J.] [Vivek Chaudhary, J.]

Order Date :- 13.12.2023

-Amit K-