

GAHC010226192018



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

**Case No. : WP(C)/7268/2018**

MANIKA BAISHYA

D/O- SRI MAHENDRA BAISHYA, R/O- H NO. 122B, GANDHIBASTI TINIALI,  
P.O- SILPUKHURI AND P.S- CHANDMARI, GUWAHATI, DIST- KAMRUP(M),  
ASSAM- 781003

VERSUS

UCO BANK AND 2 ORS.

A BODY CORPORATE DULY CONSTITUTED UNDER THE BANKING  
COMPANIES ACT, 1970 HAVING ITS HEAD OFFICE AT 10, BTM SARANI  
(BRABOURNE ROAD), KOLKATA- 700001 IN THE STATE OF WEST BENGAL-  
REP. BY ITS CHAIRMAN

2:THE AUTHORISED OFFICER/ CHIEF MANAGER

UCO BANK  
SILPUKHURI BRANCH  
GNB ROAD  
SILPUKHURI  
GUWAHATI- 781003  
DIST- KAMRUP(M)  
ASSAM

3:THE DISTRICT MAGISTRATE

KAMRUP(M)OFFICE OF THE DEPUTY COMMISSIONER  
KAMRUP(M)  
GUWAHATI- 01  
DIST- KAMRUP(M)  
ASSA

**Advocate for the Petitioner : MR. R DE, MS. D DEVI**

**Advocate for the Respondent : ,**

**BEFORE  
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

**ORDER**

**07.08.2024**

- 1.** Heard Mr. R. De, learned counsel for the petitioner and Mr. M. Sarma, learned counsel for the respondent nos.1 & 2. No one appears for the respondent no.3.
- 2.** The petitioner's case is that the petitioner had purchased a shop in an auction sale, conducted by the respondent no.2 under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002 on 22.02.2016. Though the petitioner was issued a Sale Certificate dated 22.04.2016 by the respondent no.2 and the auction amount of Rs.8,70,620/- had been given by the petitioner to the respondent nos.1 & 2, the respondents have not handed over the possession of the shop in question to the petitioner till date.
- 3.** The petitioner's counsel submits that as the respondent nos.1 & 2 have not been able to handover possession of the shop which she had purchased in the year 2016, the respondents should be directed to refund the entire bid money along with interest @18% p.a, w.e.f. 22.04.2016 till actual date of repayment.
- 4.** Mr. M. Sarma, learned counsel for the respondent nos.1 & 2 submits that

the shop which had been auctioned to the petitioner cannot be located and as such, cannot be handed over to the petitioner.

**5.** On considering the fact that the auction sale had been conducted by the respondent no.2 in the year 2016 and the bid money for the auction sale had been submitted to the respondent nos.1 & 2, the respondent nos.1 & 2 would have to refund the bid money of the petitioner.

**6.** The above being said, this case has been pending in this Court for the last more than 6 (six) years and the respondent nos.1 & 2 have not refunded the bid money to the petitioner till today.

**7.** In view of the above facts, the respondent nos.1 & 2 are directed to refund the entire bid money of the petitioner amounting to Rs.8,70,620/- immediately, along with interest on the bid money @7% p.a from 22.04.2016 till final payment.

**8.** The writ petition is accordingly allowed and disposed of.

**JUDGE**

**Comparing Assistant**