

GAHC010272492023



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

Case No. : WP(C)/7012/2023

HIRON BEZBARUAH
S/O- LATE GHANASHYAM BEZBARUAH, R/O- COLLEGE ROAD,
MANGALDOI WARD NO. 10, BHEBHARGHAT, DIST. DARRANG, ASSAM,
PIN- 784125.

VERSUS

THE PUNJAB NATIONAL BANK AND 2 ORS
REPRESENTED BY ITS REGIONAL OFFICER, CIRCLE SASTRA CENTRE,
GUWAHATI, NILGIRI MANSION, 1ST FLOOR, BHANGAGARH, G.S. ROAD,
GUWAHATI, ASSAM, PIN- 781005.

2:THE SENIOR BRANCH MANAGER

PUNJAB NATIONAL BANK
MANGALDOI BRANCH
P.O. MANGALDOI
DIST. DARRANG
ASSAM

3:THE AUTHORISED OFFICER

PUNJAB NATIONAL BANK
CIRCLE SASTRA CENTRE
NAGAON
HALADHAR BHUYAN MARKET
NAGAON- 782003

Advocate for the Petitioner : MR D MAHANTA

Advocate for the Respondent : SC, PNB

BEFORE
HON'BLE THE CHIEF JUSTICE (ACTING) MR. LANUSUNGKUM JAMIR
HON'BLE MR. JUSTICE KARDAK ETE
O R D E R

24.01.2024

(L.S. Jamir, C.J(Acting))

Heard Mr. D. Mahanta, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned counsel for the Punjab National Bank.

2. The petitioner availed three loans from the Punjab National Bank (PNB), Mangaldoi Branch amounting to a sum of Rs. 16,37,000/-. The petitioner thereafter, paid an amount of Rs. 1.5 lakhs in different installments. Thereafter, the petitioner could not pay the interest due to the Covid-19 pandemic and also due to none payment of pending Government bills which were due to him. The PNB, after several reminders issued a sale notice of secured assets dated 31.10.2023, giving notice to public in general and in particular to the borrower and guarantor that the secured assets of the petitioner will be E-Auctioned on 08.12.2023 on the basis of "as is where is", "as is what is" and "whatever there is" for recovery of Rs. 17,26,076.56/-. Being aggrieved with the sale notice dated 31.10.2023, the petitioner is before this Court by way of the present writ petition.

3. On 07.12.2023 when this matter was taken up, the learned counsel for the

petitioner on instructions assured this Court that the petitioner would pay 50% of the outstanding dues within a period of 45 days w.e.f 07.12.2023. Considering the assurance made by the petitioner, this Court permitted the PNB, Mangaldoi Branch to proceed with the sale notice. However, direction was also issued not to make any confirmation till the next returnable date.

4. Today, when the matter is taken up, the learned counsel for the petitioner as well as the learned standing counsel, PNB submits that the petitioner has failed to take steps as assured before this Court on 07.12.2023.

5. Considering that the petitioner has failed to keep his commitment as assured before this Court and also as there is an alternative remedy available to the petitioner we see no reason to keep this writ petition pending and accordingly, the same is dismissed. However, liberty is given to the petitioner to approach the DRT if so advised.

6. Writ petition is accordingly dismissed.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant