

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.171 of 2025

1. Shri Bijoy Acharjee, S/o Late Ratan Acharjee.
 2. Smt. Soma Charjee, W/o Shri Bijoy Acharjee.
Both are resident of Ward No.4, Kalamchara, Sepahijala, P.O. Kalamchara, Bishalgarh, Sepahijala, Tripura, PIN-799102.
- Petitioner(s)

V E R S U S

1. ICICI Bank, Ltd., represented by its Manager, Agartala Branch, having its office at Post Office Choumohani, Agartala, P.O. Agartala, West Tripura.
 2. ICICI Bank Ltd., Badharghat Branch, represented by its Manager, Milan Chakra, Near Doordharsan, Agartala-Bishalgarh Road, P.O. A. D. Nagar, Badharghat, West Tripura, PIN-799003.
- Respondent(s)

For Petitioner(s)	:	Mr. Tapas Datta Majumder, Sr. Advocate, Mr. Dalit Kalai, Advoate.
For Respondent(s)	:	None.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S. D. PURKAYASTHA**

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01/04/2025

Heard Mr. Tapas Datta Majumder, learned senior counsel assisted by Mr. Dalit Kalai, learned counsel for the petitioners.

Petitioners are the borrowers whose mortgaged immovable property have been taken physical possession through the agency of the District Magistrate, West Tripura, Agartala as per the possession notice dated 25.02.2025 at page 29 of the petition on account of declaration of the petitioners account as non-performing asset for failure to repay the amount of Rs.31,25,523/- after following the procedure under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, SARFAESI Act). Thereafter, the 30 days' mandatory notice has been issued upon the petitioners on 28.02.2025 under Section 13(4) of the SARFAESI Act with the stipulation that if the

borrowers fail or neglect to pay the total outstanding dues within the aforesaid statutory period from the date of notice, the bank will have no alternatives but to proceed to sell the aforesaid secured property for realizing the outstanding dues of the bank in respect of the loan facility. Petitioners contend that the 30 days notice was received on 08.03.2025 as per track consignment report of the India Post (Annexure-9) and immediately thereafter, they made a representation vide Annexure-11 on 12.03.2025 for seeking further 60 days time to enter into a one-time settlement to avoid further actions regarding the sale of the secured property

The property is described as under:-

Dag No.7235/11437 (HAL), Sabek Dag No.3427, Khatian No.9840, Mahakuma and Sub Registry Office – Jiraniya, Tahasil – Khayerpur, Mouza- Radhakishore Nagar, Police Station – Bodhjangnagar, District – West Tripura, Tripura, Agartala, admeasuring an area of 0.04 acre (4 satak) with 2 tin shaded house.

Mr. Tapas Datta Majumder, learned senior counsel for the petitioners submits that the bank may be directed to grant some breathing time to the petitioners to repay the loan by entering into a one-time settlement as per the RBI guidelines.

We have considered the submissions of the learned counsel for the petitioners. It is apparent that the procedure for realization of outstanding dues in lieu of non-performing assets of the petitioners on the part of the respondent-bank has progressed to the stage of mandatory 30 days notice for taking action under Section 13(4) of the SARFAESI Act. It is not clear from the pleadings and enclosed documents whether sale notice has been published in the

newspaper fixing a particular date for auction of the mortgaged property of the borrowers. Interference in this matter at this stage by the writ Court is not warranted as per the decisions rendered by the Apex Court. As such, we are not inclined to interfere in the matter. Petitioners, if aggrieved, have a remedy before the learned Debt Recovery Tribunal (for short, DRT) of competent jurisdiction under Section 17 of the SARFAESI Act, 2002. Meanwhile, if the bank has not issued auction sale notice, it is open for the respondent-bank to consider the representation of the petitioners for one-time settlement if such one-time settlement scheme exists in the bank as per RBI guidelines within a period of one week from the date of receipt of copy of this order.

Petitioners are left with a remedy before the DRT, if so aggrieved by the rejection of their claim. If the petitioners fail to act and pursue their representation within the aforesaid period of one week, the respondent-bank shall not be precluded from proceeding in the matter in accordance with law.

Accordingly, the instant petition is disposed of. Pending application(s), if any, also stands disposed of.

(S. D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ