

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1009 of 2017

1. Dr. Bidhan Chakraborty S/o. Late Shashi Bhushan Chakraborty, Aged About 51 Years R/o. Sun Flower Colony, V- 30, In Front Of S. B. I. Chakarbhata, Naya Para, District Bilaspur (Chhattisgarh)
2. Smt. Rita Chakraborty, W/o. Dr. Bidhan Chakraborty, Aged About 45 Years R/o. Sun Flower Colony, V- 30, In Front Of S. B. I. Chakarbhata, Naya Para, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

- Bank Of Baroda Through Authorised Officer, Regional Office, Jivan Prakash, L I C Building, Pandri, Raipur (Chhattisgarh)

---- Respondent

For Petitioners	:	Shri Kunal Das, Advocate
For Respondent	:	Shri Ankit Singhal, Advocate

S.B. : Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/04/2017

Heard.

2. This petition has been filed for setting aside the notice dated 10-03-2017 (Annexure P/1) served on the petitioners, whereby auction notice in respect of residential house has been given, since the petitioners have failed to deposit the loan amount and thereby committed default.
3. Learned counsel for the respondent-Bank has raised objection that the petition is not tenable in the eye of law, in view of Section 17 of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002, on the ground of availability of alternative remedy.
4. Learned counsel for the petitioner seeks indulgence of this Court and

submit that the liberty may be granted to him to make suitable proposal to the bank for one time settlement, so that auction could be avoided.

5. Taking into consideration the facts of the case, the petitioner is granted liberty to make suitable proposal to the bank for one time settlement. If any such proposal is made, it is ordered that the respondent-bank shall consider the same and take decision thereon in accordance with law.

6. Learned counsel for the respondent-bank submits that if proposal is made on behalf of the petitioner, the same would be considered tomorrow i.e. 20-04-2017, which is the last date of auction.

7. In view of submission made above, it is observed that if proposal would be considered tomorrow, the petitioner may have some breathing time and settlement can be expected for.

8. With above observations, the petition stands disposed off.

Certified copy today.

**Sd/-
(Gautam Bhaduri)
Judge**