

ORDER SHEET
WPO 130 OF 2020
GA 1 OF 2020
GA 994 OF 2020
GA 2 OF 2020
GA 995 OF 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

REKHA JHUNJHUNWALA
VERSUS
STATE BANK OF INDIA AND ANR.

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

Date : 28TH September, 2020.

Appearance:
Mr. Nilay Sengupta, Adv.
Ms. S. Agarwal, Adv.
...for the petitioner

Mr. Swarup Banerjee, Adv.
Mr. H. C. Yadav, Adv.
...for the respondent

The Court: Affidavits filed in Court be taken on record.

The writ petition and the vacating application are taken up for hearing.

Learned Advocate appearing for the bank on instructions submits that, there are certain inadvertent mistakes in the sale notice issued so far as the petitioner is concerned. The bank will take appropriate steps for the purpose of selling the secured assets under the provision of SARFAESI Act, 2002.

The writ petitioner is represented.

There subsists an interim order restraining the bank from taking steps to sale the secured assets under the Act of 2002, on the finding

that there was same irregularity in the notice for the sale of the secured assets.

Since the bank admits that there is a mistake in the sale notice issued, so far the petitioner is concerned which is the subject matter of the present writ petition and since the bank seeks to take steps in terms of the Act of 2002 against the secured assets and since the writ petitioner as the defaulting borrower is yet to repay the entirety of the claim of the bank, it is appropriate that the writ petition is disposed of by permitting the bank to take steps to sale the secured assets in terms of the Act of 2002. The impugned sale notice so far as the petitioner is concerned stands withdrawn.

WPO No.130 of 2020 along with the vacating application being GA No.994 of 2020 and GA No.995 of 2020 are disposed of.

(DEBANGSU BASAK, J.)

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