

**19.03.2021**  
**Sl. No.6**  
(PP)

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE  
(Via Video Conference)

**WPA 7433 of 2021**

**M/s. K Six International**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Dhrubo Ghosh,  
Mr. Debangana Bhattacharjee,  
Ms. Swarnali Saha  
....for the petitioner.

Ms. Sutapa Sanyal,  
Ms. Susmita Saha  
....for the State.

Mr. Billwadal Bhattacharyya,  
Mr. Anish Kumar Mukherjee  
....for the respondent no. 2.

Affidavit of service filed in Court today is taken on record.

Pursuant to an auction sale held on 30<sup>th</sup> September, 2020, the petitioner was the successful bidder and the sale was confirmed in its favour. The petitioner has paid the initial money required to be paid at the confirmation of sale. The balance sum was required to be paid within the time period fixed which, according to the petitioner, was 14<sup>th</sup> October, 2020. So far as the last tranche is concerned, the payment has been made, but beyond the time period, which expired on 14<sup>th</sup> October, 2020. The petitioner says that due to the pandemic, the payment could not be made within 14<sup>th</sup> October, 2020, but the cheque

has been deposited on 17<sup>th</sup> November, 2020. The petitioner says that the respondent-bank, being the respondent no.2, in the instant writ petition has not encashed the cheque deposited on 17<sup>th</sup> November, 2020 as the same is beyond time. The petitioner seeks a direction so that the cheque can be encashed and the money realised therefrom be appropriated by the respondent no.2 as against the balance sale consideration and necessary sale certificate be issued in favour of the petitioner.

The respondent no.2 says that no one has come forward to object the sale on the petitioner's default to pay the balance consideration within the time frame. According to the respondent-bank, they are keen in collecting the money as it will ensure to their benefit.

Considering the present situation and the delay being only about a month, I am inclined to take a lenient view and extend the time.

Since the validity period of the cheque dated 17<sup>th</sup> November, 2020 has expired in the meantime, the petitioner is directed to deposit a fresh cheque for the said sum of Rs.3,07,00,000/- to the respondent no.4 within 26<sup>th</sup> March, 2021. In the event the said sum of Rs.3,07,00,000/- is deposited with the respondent no.4 within 26<sup>th</sup> March, 2021, the respondent nos.2 and 4 shall encash and appropriate the money as against the balance payment and within a fortnight

from the encashment, will issue or caused to be issued by the respondent no.3 the necessary document and sale certificate in favour of the petitioner.

This order is passed considering the pandemic situation, which may have genuinely caused inconvenience to the petitioner in arranging for funds and depositing the balance payment within 14<sup>th</sup> October, 2020. The petitioner has also demonstrated its bonafide by depositing the cheque for the entire balance consideration on 17<sup>th</sup> November, 2020, which is just one month beyond the scheduled date.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

**(Arindam Mukherjee, J.)**