

02.11.2021

Item No.18
Court No.06
Vacation Bench
DC & AM

WPA No. 17474 of 2021 (Via Video Conferencing)

In re: An application under Article 226 of the
Constitution of India;

And

In re: Sandip Kumar Mehena

-vs-

State of West Bengal & ors.

Mr. Shibaji Kumar Das,

Mr. Sagnik Mukherjee

... For the petitioner

Mr. Amal Kumar Sen,

Mr. Subrata Dasgupta,

Mr. Bipin Ghosh

...For the State respondents

Heard learned advocates appearing for
the parties.

In this matter, the petitioner has
challenged the impugned notice of sale on
auction of the property in question belonged to
the petitioner for realisation of the bank loan
borrowed from it by the petitioner. Date of
such auction has been fixed on 17th November,
2021 and petitioner submits that he received
notice on or after 8th October, 2021. According
to the petitioner, demand of the respondent
bank on date is Rs. 3,50,000/- and he is
willing to pay the amount of Rs. 1,50,000/- in
course of tomorrow positively and for the
balance amount of Rs. 2,00,000/- he seeks

liberty to make a compromise petition before the respondent bank authority.

Considering the submission of the parties, this writ petition is disposed of by directing the petitioner to deposit Rs. 1,50,000/- with the respondent bank in course of tomorrow positively and also file a compromise petition. If such compromise petition is filed by the petitioner, the respondent bank shall dispose of the same by 15th November, 2021 by passing a reasoned and speaking order and after giving an opportunity of hearing to the petitioner or his authorised representatives. The respondent bank authorities shall consider and dispose of the same by imposing appropriate reasonable conditions of further payment in exercise of their jurisdiction.

If the condition of payment of Rs. 1,50,000/- is already complied with and the respondent considers the compromise petition by disposing of the same by imposing reasonable condition, then question of auction will not arise.

With the aforesaid directions, the writ petition being WPA 17474 of 2021 is disposed of.

Since the writ petition is disposed of at the motion stage without calling for affidavits, the allegations contained in this writ petition should be deemed to have been denied.

There shall be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Md. Nizamuddin, J.)