

21.12.2021
(S/L-11)
Ct.No.-3
(A.J & S.M)

**Calcutta High Court
in the Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction
(Via Video Conference)**

C.O. No.80 of 2021

**Sri Debajit Das
-Versus-
The United Bank of India & Ors.**

Mr. Debabrata Dhar,
Mr. Pradyut Kumar Roy,
Mr. Abhishek Palit,
... For the petitioner.

Mr. Prasanta Jowardar,
Mr. Binod Kumar Chakraborty,
....For the opposite parties.

The petitioner challenging, inter alia, the notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 has initiated a proceeding before the Debt Recovery Tribunal, Siliguri being S.A. 104 of 2018.

The petitioner in the said proceeding filed an application being I.A. No. 295 of 2021 for setting aside the sale notice dated June 4, 2021 on the ground that the said notice was issued against the dead guarantor.

The Tribunal has dismissed the said application holding that the sale notice was

issued on June 04, 2021 whereas the guarantor died on June 05, 2021.

The application filed by the petitioner also discloses the aforesaid dates of issuance of the said sale notice and the death of the guarantor.

That being the position, this court does not find any legality and/or infirmity in the order impugned warranting interference C.O. 80 of 2021 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)