

OD – 1.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

W.P.O. NO. 216 OF 2021
DOLLY HANJABAM SHARMA
VERSUS
THE RESERVE BANK OF INDIA AND OTHERS

BEFORE :
THE HON'BLE JUSTICE
ARINDAM MUKHERJEE.
DATED 10TH JUNE, 2021.

Appearance :
Mr. Rajib Mullick, Advocate
Mr. Shaunak Ghosh, Advocate
...for petitioner
Mr. Avishek Guha, Advocate
....for respondent

The Court :-The petitioner in an e-auction held by the respondent no. 3 on behalf of the respondent No. 2 for sale of an immovable property situate at No. 36, Park Lane, Kolkata – 700 016 (hereinafter referred to as the said property) emerged successful. The petitioner's offer was of Rs. 6,06,01,500/-. The petitioner at the time of bidding had paid as earnest money a sum of Rs.60,60,050/-. The petitioner's bid was accepted at the closure of the e-auction held on 18th March, 2020. The petitioner had deposited a further sum of Rs.90,90,325/- with the respondent No.2 over and above Rs.60,60,050/-. The petitioner in terms of the conditions of e-auction

was supposed to pay the balance sum being the difference between Rs.6,06,01,500/- (consideration money) and Rs.60,60,050/- (earnest money) on or before 15th day of the confirmation of sale. The confirmation took place on 19th March, 2021 and as such the petitioner had failed to pay such balance sum within such stipulated time. The petitioner upon seeking extension from the bank has till now made payment of about 50% of the total consideration money. The petitioner says that the last extension granted by the bank for payment was up to 31st May, 2021. On the petitioner's request, the bank is willing to allow the petitioner to pay the balance 50% within 17th June, 2021. The petitioner, however, in view of the adverse financial position owing to the pandemic seeks an extension to make payment of the said balance 50% within 30th June, 2021.

Considering the petitioner's case in a sympathetic manner and that the petitioner has already paid 50% of the total consideration money even amidst the pandemic, this Court is willing to grant an extension to the petitioner to pay the balance 50% by 30th June, 2021. The extension granted by this Court is peremptory in nature and no further extension shall be granted to the petitioner. In the event, the petitioner pays the entire 50% being the remaining consideration money within 30th June, 2021 the respondents No. 2 and 3 shall accept the said money and complete the formalities in transferring the said property in favour of the petitioner. On the petitioner's failure to pay as per this order, the respondents shall be free to take such steps as permissible in law.

Nothing further remains to be adjudicated in the writ petition. The same is accordingly disposed of.

Since I have not called for any affidavits the allegations contained in the petition are deemed to have not been admitted by the respondents.

(ARINDAM MUKHERJEE, J.)

GH.