

15th June, 2022
(D/L No.39)
(SKB)

W.P.A. 1709 of 2022

Starcon Steel Trading Private Limited and another
Versus
The State Bank of India and others

Mr. Soumik Ganguli,
Mrs. Sinthia Bala
... for the petitioners.

Mr. Utpal Bose,
Mr. Om Narayan Rai
... for the Bank.

The affidavit of service is taken on record.

The undisputed fact as would appear from the documents on record is that the petitioner was the successful bidder in an 'e-auction' held on 30th December, 2020. The petitioner paid Rs.34,50,000/- as the final bid price to the State Bank of India as recorded in a Certificate of Sale dated 14th January, 2021. The Bank despite receiving the money for 5.12 acres of land as published in the advertisement, failed to give possession of the land to the petitioners. The petitioners till date i.e. for more than 18 months have not been given possession of the land despite payment of the money for outright sale of such land on 14th January, 2021.

The petitioners now seek to raise the dispute as to the area of the land and learned counsel appearing for the petitioners submits that pursuant to an enquiry

undertaken, the land has been found to be 4.12 acres i.e. 1 acre short of what was paid by the petitioners on 14th January, 2021.

Learned counsel appearing for the State Bank of India submits that the writ court cannot go into the question whether the land to be given to the petitioners consist of 5.12 acres or 4.12 acres since that would be a disputed question of fact. Counsel further states that the Bank is ready to give possession of the 5.12 acres of land to the petitioners immediately without going into the question of the disputed area.

The submissions made on behalf of the parties would indicate that the State Bank of India has no explanation, least of all a credible one, for the admitted delay in handing over the possession of 5.12 acres land to the petitioner despite receiving full payment for the land on 14th January, 2021. The disputed question of fact, as alleged, would arise only after the State Bank of India fulfills its obligation to act in terms of the payment received more than 18 months ago. Without taking due steps in that regard, the Bank cannot raise the issue of disputed facts.

W.P.A.1709 of 2022 is accordingly disposed of with a direction on the respondents to hand over the possession of the land in question in respect of which the respondents received payment on 14th January,

2021 within 72 hours from date. The delivery of possession should strictly be in accordance with the advertisement, the auction and the terms on which the amount of Rs.34,50,000/- was received from the petitioner on 14th January, 2021.

(Moushumi Bhattacharya, J.)