

05.01.2022
Court No. 19
Item no.17
CP

WPA 18117 of 2021

Sri Shovan Basu Mallick
Vs.
The State of West Bengal & ors.

Mr. Indrajit Biswas
.....for the petitioner.

Mr. Ankit Sureka
....for the cooperative bank.

The petitioner has challenged the appointment of the Sale Officer for holding sale through E-auction of his residential premises. According to the petitioner, the principal amount has been almost paid back and the interest is yet to be paid. It is further submitted by the petitioner that the interest amount as claimed is exorbitant, and the cooperative bank cannot claim approximately Rs.11 lakhs in respect of the said loan amount.

He further submits that a revisional application has been filed against the order of appointment of the sale officer. It is submitted that unless the revisional application is disposed of, the sale should not be conducted.

Mr. Sureka, learned advocate appearing on behalf of the cooperative bank, denies that the

petitioner has made payment of the principal amount as submitted before this court.

Having considered the rival contentions of the parties, the writ petition is disposed of with a direction upon the petitioner to approach the appropriate authority of the bank with a proposal for one-time settlement within a week from date. If such application is made, the same shall be disposed of by the competent authority of the bank within a period of 10 days from receipt thereof.

A reasoned order shall be passed and communicated to the petitioner.

This court has not made any observations on the merits of the revisional application which shall be decided in accordance with law.

It is made clear that if the one-time settlement fails as directed hereinabove, the revisional authority shall decide the revisional application filed by the petitioner within a period of two months from the date of communication of the failure of the proposal for one-time settlement.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)