

OD-5

ORDER SHEET  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

WPO/1753/2022

PAYAL CHATTERJEE  
VERSUS  
STATE BANK OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 28<sup>th</sup> March, 2022

Appearance:

Mr. Swatarup Banerjee, Adv.  
Mr. Rudrajit Sarkar, Adv.  
Mr. Debangshu Dinda, Adv.  
Mr. Varun Kothari, Adv.  
Mr. Rabindra Kumar Mitra, Adv.

Mr. Pankaj Kumar Mukherjee, Adv.

The Court :- The writ petitioner is aggrieved by an auction sale conducted by the State Bank of India through its agency, MSTC. The petitioner was bidding as per the auction rules, by multiples of fifty thousand. It appears that suddenly, the next bid received from the petitioner has been recorded in excess of about ten crores. According to the petitioner, the same must have occurred due to a computer glitch. The bank has appropriated the EMD of the petitioner since he was the highest bidder and backed out of the auction. The petitioner is aggrieved by the same.

This Court is of the view that in order to ascertain whether the error has occurred due to any deliberate action on the part of the petitioner or as a result of a computer error, would involve entering into disputed questions of fact. MSTC is also not added as a party in this proceeding. The petitioner has an

efficacious alternative remedy before the Debts Recovery Tribunal at Kolkata under the provisions of the SARFAESI Act, 2002, particularly, Section 17 thereof.

The writ petition is, accordingly, disposed of, reserving liberty to the petitioner as indicated hereinabove.

(RAJASEKHAR MANTHA, J.)

mg/S. Chandra