

01.02.2023

Sl no. 29

Ct no. 2

P.M.

WPA 1726 OF 2023

Anupam Chatterjee.

- Vs -

**Baidyabati Sheraphuli Co-operative
Bank Ltd. & Ors.**

Mr. Samrat Mukherjee,
Ms. Ledia Dasgupta
... for the petitioner

Mr. Pradip Kumar Ray,
Mr. Joydeep Roy
... for the State.

Mr. Ankit Sureka
... for the Bank

Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition against the impugned action of recovery of loan in question with interest by the bank authority concerned by way of auctioning the property in question belonged to the petitioner.

It is an admitted position that the loan was taken by the petitioner and the same has not been paid till date and the petitioner is not in a position to repay the loan in view of this admitted position I am not inclined to interfere with the impugned sale proceeding in question, however, if the sale of the property in question fetches more than the amount of loan including interest, in that event excess amount

after adjusting with loan and interest shall be refunded to the petitioner.

With this observation this writ petition being WPA 1726 of 2023 stands disposed of.

(Md. Nizamuddin, J.)