

05.04.2023

Sl no. 5
Ct no. 2
P.M.

WPA 5763 OF 2023

Homeshwar Roy Buddhadeb.

- Vs -

The State of West Bengal & Ors.

Md. Shahjahan Hossain

Mr. Sanjida Sultana,

Mr. P. Biswas

... for the petitioner

Mr. Pradip Kumar Ray,

Mr. Joydeep Roy

... for the State

Mr. Srijan Nayek,

Mr. Rituparna Maitra

... for the respondent No. 2

Mr. Malay Kumar Roy

... for respondent No. 4

Heard learned advocates appearing for the parties.

By this writ petition petitioner has challenged the impugned auction notice dated 24th February, 2023 issued by the respondent bank concerned for recovery of loan in question against the petitioner.

By the earlier order of this Court dated 15th March, 2023 petitioner was given an opportunity to repay the loan in question to avoid the auction but the learned advocate appearing for the petitioner submits that petitioner is not in a financial position to repay the loan in question and has no objection if the property in question is sold subject to market value of the area and the minimum price indicated in

the auction notice and that if in auction property is sold in excess of loan amount the price of market value then that excess amount should be handed over to the petitioner.

Considering the facts and circumstances of this case and submission of the parties, this writ petition being WPA 5763 of 2023 is disposed of by directing the respondent bank authority concerned to issue a fresh auction notice after evaluating the value of the property to be sold from a registered valuer and indicating the minimum price of the property to be sold in its auction notice and after auction if it fetches more than the amount of loan in question, the excess amount shall be handed over to the petitioner.

(Md. Nizamuddin, J.)