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16.08.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13158 of 2023

Mrs. Zainab Khalid
Vs.
The Authorised Officer,
Canara Bank & Ors.

Mr. Tarique Quasimuddin,
Ms. Syed Khafir Zamar
...for the petitioner

Ms. Farnaz Nasim
...for the respondent no. 3

The petitioner's prayer is innocuous. Apparently, the respondent-bank has alleged that the brother of the deceased husband of the petitioner took a loan from the bank, that is, the Canara Bank, Circus Avenue Branch, for which the petitioner's deceased husband stood a guarantor during his life time.

The petitioner, it is contended, came to know for the first time regarding any such loan having been taken and/or the petitioner's deceased husband having stood as a guarantor as alleged by the bank.

Accordingly, upon getting a notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the

petitioner immediately wrote to the respondent-bank, seeking particulars regarding the alleged loan and the surrounding circumstances, including the involvement, if any, of her deceased husband as a guarantor. A copy of the representation has been annexed at page 11 of the writ petition.

Despite service, none appears for the Bank.

It transpires to be credible that the petitioner did not know the details and particulars of the loan, if any, taken by the private respondent and/or the petitioner's deceased husband's involvement therein. Hence, the request made by the petitioner is innocuous but would assume serious proportion in the event refused, as the petitioner, in such case, might be helpless to contest the notice under Section 13(2) of the 2002 Act by filing a comprehensive reply under Section 13(3A) of the said Act and/or to contest any subsequent proceeding, if initiated by the Bank.

Accordingly, W.P.A. No. 13158 of 2023 is disposed of by directing the respondent no. 1, that is, the Authorized Officer, Canara Bank, Circus Avenue Branch, to furnish all particulars available to the respondent no. 1 with regard to the loan-in-question taken by the private respondent as well as the involvement, if any, of the petitioner's deceased

husband in the capacity of a guarantor or otherwise with regard to the said loan.

Such particulars shall be disclosed to the petitioner by the respondent no. 1 in writing within a week from date of communication of this order to the said respondent.

The respondent-bank shall not take any coercive action against the petitioner on the basis of the notice under Section 13(2) of the 2002 Act , if not already taken, prior to intimating the petitioner about the particulars as per the direction given above.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

Learned counsel for the respondent no. 3, as per her prayer, is permitted to file her Vakalatnama for the private respondent during the course of the day.

(Sabyasachi Bhattacharyya, J.)