

M/L. 4.
September 4, 2023.
MNS.

WPA No. 21476 of 2023

Kapil Dev Shaw
Vs.
Union of India and others

Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta,
Ms. Tithi Paul

... for the petitioner.

Mr. Panchu Gopal Patra

...for the State Bank of India/
respondent no. 3.

1. The petitioner took a loan from the respondent-bank, but failed to repay the same after paying a part of the dues.
2. Learned counsel for the petitioner submits that the petitioner's vehicle was unlawfully seized without any appropriate order. Upon the petitioner offering a further amount of Rs.5,20,000/-, the same was not considered by the respondent-bank.
3. Learned counsel for the respondent-bank submits that the account of the petitioner was already rendered Non Performing Assets (NPA). Hence, only upon taking inventory, the respondent-bank seized the vehicle, which is to be put up for auction sale tomorrow.

4. It is submitted, on instruction, the respondent-bank does not agree to the amount of Rs.5,20,000/- offered by the petitioner.
5. At this juncture, learned counsel for the petitioner contends that the petitioner is agreeable to participate in the auction sale.
6. Heard learned counsel for the parties.
7. The court cannot compel the respondent-bank to accept the offer of partial repayment.
8. However, it would only be fair if the petitioner is permitted to match the highest bid offer in the auction sale or, better still, since the petitioner seeks to participate in the auction sale as one of the bidders, there is nothing to prevent such participation on the part of the petitioner.
9. Accordingly, WPA 21476 of 2023 is disposed of by granting liberty to the petitioner to participate in the auction sale of the vehicle of the petitioner, which is going to be held tomorrow, alternatively the respondent-bank shall give an opportunity to the petitioner to match the highest bid offer, which is received by the respondent-bank in the auction sale, prior to transferring the vehicle in favour of a third party.

10. There will be no order as to costs.
11. Urgent photostat certified copies of this order,
if applied for, be made available to the parties
upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)