

AD-28
Ct No.09
22.12.2023
TN

WPA No. 25731 of 2023

M/s Jeet Enterprise and others
Vs.
The State of West Bengal and others

Ms. Joyee Maiti,
Mr. Saikat Koley

.... for the petitioners

Mr. Tanoy Chakraorty,
Mr. Tapas Ballav Mondal

.... for the State

- 1.** Learned counsel for the petitioners contends that the petitioners are borrowers who failed to repay the loan amount of the Bank upon which the respondent-Bank took out proceedings under Section 13(2) and thereafter under Section 13(4) of the SARFAESI Act, 2002.
- 2.** Possession was taken from the petitioner under Section 14 of the SARFAESI Act, 2002. However, despite a previous effort of the Bank, the property could not be sold in auction.
- 3.** It is submitted that till date, the property-in-question has not been sold out. Hence, the petitioners have a right to redeem the mortgage. Despite the petitioners having given several representations as annexed to the writ petition, it

is argued that the Bank is sitting tight over the matter and not responding.

4. Despite service, none appears for the bank although the State is represented through counsel along with the petitioners.
5. In view of the innocuous nature of the prayer to which the petitioners restrain themselves, further notice is not being directed.
6. WPA No. 25731 of 2023 is disposed of by directing the respondent no.2-bank, that is, the Indian Bank (earlier Allahabad Bank) to consider the representation of the petitioners annexed at page-101 of the writ petition and convey its decision thereon to the petitioners immediately thereafter.
7. Such disposal and communication shall be made by the bank within a fortnight from the date of communication of a server copy of this order on the respondent no.2 by the petitioners.
8. 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 with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)