

5th December,
2023
(AK)
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W.P.A 26000 of 2023

Kapil Chandra
Vs.
The Union of India and others

Mr. Allen Felix

...for the petitioner.

Ms. Aparajita Rao

...for the Bank.

1. Learned counsel for the petitioner submits that the petitioner applied for a cash credit facility which has not yet been given by the respondent-Bank despite the petitioner having written representations in that regard.
2. Learned counsel for the Bank submits that the petitioner has not even applied for a cash credit facility in proper format.
3. That apart, the Bank raised certain issues as regards the property sought to be mortgaged against the loan. Although the petitioner has apparently corrected the records in that regard, the same was never intimated to the Bank.
5. Thirdly, learned counsel for the Bank argues that the representation was given only on October 19, 2023 whereas the writ petition has been filed on November 8, 2023, thereby giving no breathing space to the Bank to respond to the same.
6. Heard learned counsel for the parties.

7. In view of the innocuous nature of the writ petition, affidavits are not being directed and it is deemed that none of the allegations made in the writ petition are admitted by the respondents.

8. WPA 26000 of 2023 is disposed of by granting liberty to the petitioner to apply in appropriate format for cash credit facility and to furnish all due documents pertaining to the property sought to be mortgaged and comply with all other formalities which are otherwise required to be done.

9. Upon the petitioner doing so, the respondent-Bank shall consider the application of the petitioner and process the same at the earliest, keeping in view the ailments in the family of the petitioner as pleaded by the petitioner.

10. It is expected that such processing shall be done by the Bank preferably within six weeks from the date of such application being made.

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.)