

06-11-2024
Item No.5
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.535 of 2024
Mayank Kumar

-vs-

The State of West Bengal & Ors.

Mr. Sooumik Ganguly
Ms. Sharmistha Das ...for the petitioner

Mr. P. Deb Roy
Mr. S. Guha Biswas ...for the State

Mr. Sayak Ranjan Ganguly
Ms. Srijani Ghosh
Ms. Indrani Majumdar ...for the company

1. The petitioner alleges that his vehicle which was purchased on loan given by the fourth respondent, Mannappuram Finance Limited, has been forcefully taken away by the said respondent in the month of December 2023.

2. Admittedly, there are dues in respect of the loan amount taken by the petitioner. The petitioner submits that the financial company ought not to have forcefully seized the vehicle without adhering to the process of law.

3. Learned advocate representing the financial company submits, upon instructions, that huge money is due and outstanding on account of the loan obtained by the petitioner. Despite several notices, the loan amount remained unpaid.

4. It has been submitted that an award has been passed by the arbitrator against the petitioner which has attained finality. It is submitted that the vehicle has

been seized in terms of the contract signed by the parties.

5. Learned advocate for the petitioner submits that the award passed by the arbitrator is under challenge before the competent forum.

6. Upon hearing the parties, it appears that the vehicle was under a hire purchase agreement and that there are dues in respect of the loan taken. The finance company claims to have seized the subject vehicle in terms of the contract. The award passed by the arbitrator in the arbitration proceeding is appealed before the competent forum.

7. Hence, at this stage this court is not inclined to pass any order for releasing the subject vehicle.

8. The petitioner is at liberty to approach the competent forum for relief.

9. The writ petition stands disposed of.

10. All parties are to act on the server copy of this order duly downloaded from the official website of this court.

11. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

