

Item No.22
03.10.2024
Court. No. 9
GB

W.P.A. 8809 of 2024

Bapi Tarafdar
Vs.
The State of West Bengal & Ors.

*Mr. Saibal Kumar Acharyya,
Mr. Pradip Paul,
Ms. Renesa Dey*

...for the Petitioner.

*Mr. Sudipto Panda,
Ms. Ananya Neogi*

...for the State.

Mr. Sayak Ranjan Ganguly

...for the Respondent No.4

1. None appears on behalf of Piramal Capital and Housing Finance Limited, the respondent no.4. Mr. Sayak Ranjan Ganguly is engaged by this Court to appear on behalf of the respondent no.4.
2. The petitioner prays for a direction upon the finance company to accept the petitioner's proposal. The petitioner wants to pay up the dues.
3. The law is well-settled. The writ court cannot direct the financier to mandatorily accept any proposal for settlement. It is entirely within the jurisdiction of the financial institution. The petitioner may approach the financial institution with his prayer within 10 days and if such proposal of the petitioner is not barred by Section 13(8) of the SARFAESI Act, the financial institution will decide the matter as per its own discretion. If no auction/sale notice has been published as yet, no coercive steps shall be taken for a period of

two months or until a decision is arrived at either by accepting or not accepting the proposal, whichever is earlier.

4. Accordingly, the writ petition is disposed of.
5. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)