

14
01.05.2024
Mb

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 10743 of 2024

Sri Arijit Chakraborty & Ors.
Vs.
Union of India & Ors.

Mr. Ajay Debnath,
Mr. Devranjan Das
...for the petitioner

Mr. Asish Kumar Guha,
Mr. Benazir Ahmed
...for the State

1. Leave is granted to learned counsel for the petitioners to file affidavit of service during the course of the day.
2. Despite service, none appears for the Bank.
3. However, due to the innocuous nature of the order proposed to be passed, further service is not directed.
4. Learned counsel for the petitioners makes it clear that the present writ petition has been filed on humanitarian grounds. The petitioners lost their jobs/businesses during the pandemic period, due to which the petitioners could not repay the home loans taken by them.

5. It is submitted that the petitioners approached the Ombudsman for enlargement of the EMI (Equal Monthly Instalment) timeline, but the same was refused by the Ombudsman, prompting the present challenge.

6. It is submitted by the petitioners that the petitioners are ready and willing to repay the loan but require some more time to do so and also seek a reduction of the amount.

7. Upon hearing learned counsel for the parties, it transpires that the Ombudsman does not have jurisdiction or authority to decide such issues. It is left to the discretion of the Bank, which may, if it so deems fit considering the circumstances of the case, enlarge the time for payment of EMIs.

8. However, it is not for the writ court to advise the Bank on such count.

9. Accordingly, W.P.A. No. 10743 of 2024 is disposed of without interfering with the impugned order of the Ombudsman but granting liberty to the petitioners to approach the respondent-Bank for enlargement of the time for repayment of the loan.

10. If such an approach is made, the Bank shall consider the same in the light of the circumstances of the petitioners and also the commercial prudence of the Bank.

11. There will be no order as to costs.

12. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)