

Item No.52
08.11.2024
Court. No. 36
GB

CPAN 1410 of 2024
With
W.P.A. 17794 of 2023
With
CAN 1 of 2024

Mr. Amit Kumar Singh
Vs.
The Chairman, Punjab National Bank & Ors.

Mr. Abhimanyu Shandilya,
Ms. Simi Paul,
Ms. Mrighankhi Chakraborty,
Ms. Nandita Guha

...for the Petitioner.

Mr. Samrat Sen, Sr. Adv.,
Mr. Abhishek Banerjee,
Ms. Parna Roy Chowdhury,
Ms. Payel Ghosh

...for the PNB.

In Re: CAN 1 of 2024

This is an application for modification and/or clarification of the order dated July 24, 2024, passed by this Court.

The application has been filed on the ground that the bank could not clarify before the Court that the amount calculated by them as due and payable towards arrear rent had been in respect of two lease agreements, amounting to Rs.24,35,862/ and not the petitioner's share. The entire amount was not payable to the writ petitioner alone. There was another owner, but the said fact had not been brought to the notice of the court.

The learned advocate for the writ petitioner has opposed the prayer for recalling of the order, on the ground

that the other owner had not approached this Court. However, the learned advocate does not deny the ownership of the other person, but submits that the bank admitted that Rs.24,35,862/- was payable to the writ petitioner.

The documents have now been annexed by the bank, which indicate that two separate lease agreements in respect of the entire property had been entered into by the bank and the bank had left the entire property by surrendering both the leases. The lease deeds reflect that there are two owners.

Under such circumstances, the order dated July 24, 2024 requires a slight modification. The writ petitioner shall accept Rs.13,99,270/- as his share of the arrear lease rent which the bank admits due and payable. Such acceptance will be without prejudice to the rights and contentions of the writ petitioner. If the writ petitioner has any other claim against the bank, he may proceed against the bank by initiating proper proceedings, as permitted in law. The remaining amount of Rs.10,36,592/- shall be kept in a separate interest bearing fixed deposit account by the bank which shall be kept renewed, till such amount is lawfully claimed by the person entitled to the same.

It is made clear that the said amount shall be paid to the writ petitioner within a period of two weeks from the date of communication of this order.

Accordingly, CAN 1 of 2024 is allowed and disposed of.

In Re: CPAN 1410 of 2024

In view of the disposal of the CAN 1 of 2024, the contempt application is also disposed of.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)