26.09.2024
Sl. No.10(DL)
srm

W.P.A. No. 18807 of 2024

Amit Kumar Pal

Versus

Punjab National Bank & Ors.

Mr. Partha Pratim Roy,
Ms. Sudeshna Basu Thakur,
Ms. Banani Bhattacharya

…for the Petitioner.

Ms. Sreemoyee Mitra

…for the PNB.

The question raised before this Court is whether the sale notice dated December 24, 2023 could have been published without following the provision of Rule 9 of the Security Interest (Enforcement) Rules, 2002.

The petitioner submits that the bank did not follow the proper procedure as per law. The sale should have set aside for non-compliance of the Rules. The sale was effected without giving the petitioner an opportunity to pay up the dues.

Learned Advocate for the Bank has submitted some documents which indicate that the recall notice was issued on January 10, 2022. The notice under Section 13(2) of the SARFAESI Act was issued on January 19, 2022. The notice under Section 13(4) was issued May 6, 2022. On May 17, 2022, a newspaper publication was made. On June 4, 2022, an inventory was held. The possession of the property was taken by the bank. On January 13, 2023, another publication was made and an intimation was sent to the petitioner on January 31, 2023, informing the petitioner once again about the auction. On February 27, 2023, the auction was held and the property was sold to the auction purchaser. The sale was confirmed and sale certificate was issued. The auction purchaser has been put in possession of the property.

At this juncture, the petitioner prays for setting aside the sale. The said prayer, at this stage, is not acceptable by the writ court. The remedy of the petitioner was before the learned Debts Recovery Tribunal, to initiate appropriate proceeding, in accordance with law.

The writ petition is dismissed.

There shall be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)