

Item No.16
26.09.2024
Court. No. 19
GB

WPA 20695 of 2024

Shri Pancham Prasad Yadav & Anr.
Vs.
The State of West Bengal & Ors.

*Mr. Ranjan Kali,
Ms. Mitul Chakraborty*

...for the Petitioners.

*Mr. Ashim Kumar Ganguly,
Ms. Jyotsna Roy Mukherjee*

...for the State.

*Mr. Shiv Mangal,
Ms. Anjali Mishra*

...for the Bank.

The writ petition suffers from gross suppression of facts.

The notice of sale dated July 26, 2024 has not been mentioned in the writ petition. The writ petition was filed on August 13, 2024. The track report and the postal receipt as also the notice have been produced before this Court. A paper publication had also been produced.

The sale is to be conducted tomorrow (27.09.2024). Under Section 13(8) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and in terms of the decision of **Celir LLP versus Bafna Motors (Mumbai) (P) Ltd**, reported in **(2024) 2 SCC 1**, after publication of the sale notice, the petitioners do not have any right of redemption. The question of a onetime settlement does not arise.

In any event, if the petitioners are aggrieved by the order of the District Magistrate under Section 14 of the

SARFAESI Act, the remedy of the petitioners is before the learned Debts Recovery Tribunal. The writ court cannot enforce a One Time Settlement between the borrower and the secured creditor. The second prayer of the petitioners also cannot be allowed.

Accordingly, the writ petition is disposed of.

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

(Shampa Sarkar, J.)