

01.10.2024
Item No. 08
Ct. No. 01
AN/RP

MAT 1854 of 2024
with
IA No. CAN 1 of 2024

M/s. Abdus Salam Rice Products Private Limited
& anr.

Vs.
Pawan Beriwal & ors.

Ms. Moumita Karmakar
... For the Appellants

Mr. Sannidhya Datta
Mr. Abhijit Sarkar
Mr. Abhik Chitta Kundu
... For the respondent no 3 & 5

1. Heard learned counsel for the parties at length.

2. This intra-Court appeal is filed against the order dated 11.09.2024 passed in WPA 12219 of 2023 by the borrower who was the respondent in WPA 12219 of 2023.

3. Being aggrieved by the order dated 11.09.2024 by which the direction was issued to the Superintendent of Police, Birbhum District to take all steps and handover the possession to the State Financial Corporation, the property in question within the time frame.

4. Admittedly, the Appellant had defaulted in repayment of loan, the property was put for sale

multiple times and finally the writ petitioner became the successful bidder who offered a price of Rs. 40.50 lacs. Upon receiving the said offer, the appellant herein viz. the borrower was put on notice by the State Financial Corporation on 04.02.2020 informing the offer made by the borrower and giving an opportunity to the appellant borrower to match the offer but the appellant did not avail the opportunity. That apart, a writ petition was also filed by the appellant being W.P. 7942(W) of 2020 challenging a communication issued by the State Financial Corporation dated 06.03.2020. The said writ petition is pending but there is no interim order.

5. Considering all these facts, the learned Single Judge issued the direction. Hence, we find that there is no error for us to interfere with the said order.

6. In the result, both the appeal and the connected application stand **dismissed**.

7. Learned counsel appearing for the appellant submitted that the appellant has filed a suit in which there was some interim order that has been granted. This may be brought to the notice of the State Financial Corporation as well as the Police Authorities.

(T. S. Sivagnanam)
(Chief Justice)

(Bivas Pattanayak, J.)