

WPA 25575 of 2024

20.11.2024

ct.25, sl. 2
sk

Sundaram Finance Ltd. & Anr.
vs
The State of West Bengal & Ors.

Mr. Prabhat Kr. Srivastawa
Ms. Arunima Lalla
Ms. Ankita Singh
...for the petitioners.

Mr. N. Banjeree
Ms. Kalpita Paul
...for the State.

Affidavit of service filed by the petitioners is taken on record.

The petitioners are the finance company. According to the petitioners, it is entitled to seize the vehicle firstly, in terms of the award of the learned Arbitrator and also in terms of the agreement itself, as entered into between the parties. Hence, the vehicle has been seized. The petitioners have alleged about gross inaction of the respondent no. 2/RTO, Howrah, in taking appropriate steps to authorize the petitioners/finance company to sell the vehicle so seized.

In terms of the direction of this Court, a report has been submitted today by the RTO, Howrah dated November 14, 2024. Let that be taken on record.

On perusal of the same and upon hearing the learned advocate appearing for the State respondents, it appears that the RTO, Howrah has not yet been able to come to a decision as regards the fate of the letter dated April 8, 2024, written to it by the loanee/alleged defaulter, in which the alleged defaulter has, inter alia, stated that no default has been made in repayment loan amount. Also that he has been subjected to threat and physical assault by the persons, on behalf of the writ petitioners.

Considered the materials on record as well as the submissions put forth. Perused the reports submitted in Court today. It appears that the RTO, Howrah has not been able to come to a finding as yet, regarding the default or not, of the vehicle owner in repayment of loan amount and justifiability of the prayers of the writ petitioners before it.

In view of the same, this Court finds it proper to dispose of the present writ petition by directing the RTO, Howrah to consider the petitioners' prayer as has been made in the present writ petition by considering the present writ petition as the representation of the petitioners before it.

In doing so he shall afford an opportunity of hearing to the petitioners as well as the alleged defaulter if necessary, and consider all the relevant documents as regards the hire purchase agreement and connected thereto between the said parties.

After considering the entire facts and circumstances the RTO, Howrah shall come to a definite finding in accordance with law by dint of a reasoned order.

The parties are to act in terms of the order of RTO, Howrah, so issued.

The entire exercise as above shall be concluded by the respondent RTO, Howrah within a period of six weeks from the date of communication of copy of this order. If necessary, the RTO, Howrah can seek for copy of this writ petition also, for convenience of his business.

The writ petition is disposed of.

Since no affidavit-in-opposition has been called for in this case, all allegations made in this writ petition are deemed to have been denied by the concerned respondent.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rai Chattopadhyay, J.)