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07.02.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 26534 of 2023

Tapas Das
Vs.
The Union of India & Ors.

Mr. Saibal Acharya,
Mr. Sudip Sarkar,
Mr. Aninda Bhattacharya,
Mr. K.P. Santra
... for the petitioner

Mr. Aryak Dutt,
Ms. Pinky Ghosh
...for the Union of India

Mr. Debashis Saha
...for the State Bank of India

Ms. Soni Ojha,
Ms. Sambrita B. Chatterjee
...for the respondent no. 6

1. The petitioner is the guarantor in a loan transaction. The borrower failed to repay the loan, for which the borrower's car was seized.
2. Learned counsel for the petitioner submits that if it is informed to the petitioner/guarantor as to what is the balance amount due after selling the car, the petitioner can pay the same. However, due to the above turn of events, the petitioner's CIBIL (Credit Information Bureau India Limited) ratings have gone down, for which the petitioner is not getting loan from any other entity.

3. The petitioner, as a guarantor, has co-extensive liability with the borrower, which is a well-settled position of law.

4. Hence, there is no infirmity in the petitioner being made liable for payment of the dues on a collateral footing with the borrower. However, the petitioner is always at liberty to approach the respondent no. 4, that is, the Tata Motors Finance Limited, which was the creditor, for ascertainment of the exact amount payable by the petitioner to clear off the balance dues.

5. However, there is no scope of interference in the writ petition.

6. Accordingly, W.P.A. No. 26534 of 2023 is disposed of in the light of the observations above without any interference.

7. There will be no order as to costs.

8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)