

09
28.11.2024
A.G.M.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 28338 of 2024

**Sadhan Chandra Bala & Anr.
-versus-
Indian Overseas Bank**

**Ms. Somoshree Saha.
...For the Petitioner.**

**Mr. Aparajita Ghosh.
Mr. Souvik Ghosh.
...For the Respondent.**

1. The petitioners are aggrieved by the proceedings initiated by the bank for recovery of the loan amount under the SARFAESI Act.

2. The petitioners challenged the act and action of the bank before the Debts Recovery Tribunal and the proceeding is pending consideration.

3. The instant writ petition was filed by obtaining leave citing urgency that the bank was taking steps to hold auction to sell off the property. As the secured asset is the residential house of the petitioners, accordingly, interim relief has been sought for.

4. Learned advocate representing the bank submits, upon instruction that, the auction could not take place because of lack of bidders.

5. As it appears that the immediate threat of sale of the residential house of the petitioners is no longer there, accordingly, the petitioners are given liberty to approach the Tribunal where their application is pending, for necessary relief.

6. The writ petition stands disposed of.

7. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)