

D/L. 4.
January 16, 2024.
MNS.

WPA No. 27181 of 2023

Sri Narayan Ghosh
Vs.
The State of West Bengal and others

Mr. Amal Kumar Banerjee

... for the petitioner

Mr. K. J. Yusuf,
Mr. Parikshit Goswami

...for the State.

Mr. Pankaj Kumar Mukherjee,
Ms. Anindita Auddy

...for the UBI.

1. Learned counsel for the bank submits
that it is a policy of the bank that if the
property value is more than the amount
due, no one-time settlement can be
arrived at by the bank.
2. It is contended that the property value
is around Rs.1,00,00,000/-. Although
the base price has been fixed as
consideration to be Rs.50,00,000/-,
since it is an action sale, the price may
go higher up.

3. It is submitted that since this is the fourth attempt by the Bank to sell the property, the base price has been fixed at Rs.50,00,000/-. The debt of the petitioner calculated till date as per the bank is Rs.91,00,000/-. As such, the policy of the bank prevents the bank from entering into an one-time settlement.
4. Since the bank has taken such a stand, it is beyond the scope of the writ court to compel the bank to enter into an one-time settlement.
5. However, it will be open to the petitioner to participate in the e-auction to be held by the bank and in the event the petitioner comes out to be the highest bidder or matches the price of the highest bidder, the bank shall consider settling the amount accordingly.
6. Accordingly, WPA No. 27181 of 2023 is disposed of by granting liberty to the petitioner to participate in the e-auction sale when it will be held by the bank.
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 with the requisite formalities

(Sabyasachi Bhattacharyya, J.)