

14.11.2024
Item No.8
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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

WPA/2366/2024

SMT. KABERI CHAKRABORTY & ANR.
VS
THE BRANCH MANAGER, UCO BANK & ORS.

Mr. Ranjan Kali (VC),
Mr. Suraj Bhattacharya,
Ms. Anwesha Chakraborty,
. . . for the petitioners.
Mr. Somraj Paul,
Mr. Deborshi Dhar,
. . for the respondent bank.

Although I was minded to dismiss the writ petition on 13th November, 2024, however, as a special case to enable the petitioners to show their bona fide of bringing the balance sum of Rs.1,21,50,000/- towards the dues of the respondent bank, the matter was adjourned and was fixed today. The petitioners are admitted defaulters. The immovable property given by the petitioners to secure the term loan availed by the petitioners on behalf of the partnership firm had been put to auction after following the required procedure though the petitioners contend that the sale notice is *de hors* the statutory provision and as such invalid. The petitioners have not been able to bring the money.

It is only submitted by the learned Counsel for the petitioners that the petitioners have been able to

arrange for Rs.15,00,000/- though neither any draft nor any confirmation as to bank transfer of such money is shown to Court.

The law as it stands is well settled in the judgment reported in (2024) 2 SCC 1 (CELIR LLP Vs. Bafna Motors (Mumbai) Pvt. Ltd. & Ors.).

The writ petition is not maintainable inasmuch as the petitioners have challenged the action on the part of the bank to put the security into auction sale after the sale notice was published. In fact, only on 29th October, 2024 the petitioners gave a proposal to liquidate the dues and deposited a sum of Rs.13,50,000/- on 30th October, 2024 being the date for the auction. The petitioners between 30th October, 2024 and 13th November, 2024 did not pay or offer to pay any further sum. The auction has been conducted and the successful bidder has deposited a part consideration money. The petitioners were given an opportunity to show their *bona fide*. The petitioners have not availed the same. The challenge to the sale notice as urged by the petitioners is also not tenable. The detailed reasons as to why I was inclined to dismiss the writ petition had been provided in the order dated 13th November, 2024.

In the aforesaid facts and circumstances, the writ petition is dismissed.

The interim direction as contained in the order dated 13th November, 2024 stands vacated.

(ARINDAM MUKHERJEE, J.)