HIGH COURT OF TRIPURA
AGARTALA

W.A. No.41/2025

Sri Swapan Chandra Dey, S/o. Late Birendra Ch. Dey, resident of Central Road Extension, Town Pratapgarh, P.S. East Agartala, District-West Tripura..

…… Appellant(s).

V E R S U S

1. UCO Bank, represented by the Zonal Manager, Central road, Agartala, P.S. East Agartala, District-West Tripura, Pin-799001.

2. M/S. Ashok Petroleum Agency, a registered Partnership Firm being represented by one of the partners, Sri Anil Kumar Saha, S/o. Late Chand Mohan Saha, L.N. Bari Road, Agartala, District-West Tripura, Pin-799001.

3. Tripur (India) Pvt. ltd., Headed by Sri Hari Saha, Thana Road, Agartala, P.S. East Agartala, District-West Tripura, Pin-799001.

4. ASREK India Ltd., A 'Securitization Company' Solitare Park, Building No.2, Unit 201, 202 A, Ground Floor, Andheri Gorakpur Link Road, Chakla, Andheri East, Mumbai.

……Respondent(s).

For Appellant(s)	:	Mr. Pradip Chakraborty, Advocate, Ms. Sukriti Debnath, Advocate.
For Respondent(s)	:	Mr. Pulak Saha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA

Order

28/04/2025

Heard Mr. Pradip Chakraborty, learned counsel appearing for the appellant and Mr. Pulak Saha, learned counsel appearing for the respondent No.1.

An e-auction which was held in the year 2015 under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, for short) and pursuant thereto sale certificate was issued in favour of respondent No.3. Petitioner approached the Writ Court in the year 2025 in WP(C) No.109 of 2025 for a direction upon the respondent-Bank to reinitiate the sale by adopting appropriate method as according to the petitioner, against a loan amount of Rs.1.05 crores obtained by the petitioner by

creating a mortgage with the UCO Bank the mortgaged assets of the petitioner were auction sold at a much lower price of Rs.51 lakhs against the reserved price of Rs.46 lakhs in an unfair manner to respondent No.3 who has not yet got possession. Learned Writ Court has refused to interfere in the matter observing that it is a chance litigation.

On being asked, learned counsel for the appellant and respondent-UCO Bank both have denied that the e-auction notice was challenged in any DRT proceeding under Section 17 of the SARFAESI Act. After 10(ten) years of e-auction, the writ petition has been filed by the petitioner seeking reinitiation of sale proceedings by the respondent-Bank which cannot be countenanced in the eye of law. There are more than one litigation in respect of the property such as, T.S. No.92 of 2013.

In such circumstances, this Court does not find any reason to interfere in the impugned order though passed for separate reasons in the present appeal.

The instant appeal is accordingly dismissed.

Pending application(s), if any, also stands disposed of.

(S.D. PURKAYASTHA), J **(APARESH KUMAR SINGH), CJ**

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