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WPA 993 of 2025

Sovarani Ghosh
Vs.
Reserve Bank of India & Ors.

Ms. Pampa Dey (Dhabal)
Mr. Biswarup Chatterjee
Mr. Pritam Sarkar
.... for the petitioner

Ms. Parna Roy Chowdhury
Ms. Trisa Chanda
.... for the respondent Bank nos. 2 to 5

1. The petitioner challenges the acts of commission and/or omission of the Bank, particularly the notice of December 10, 2024 and also seeks a writ commanding the Bank not to take any step in pursuance of such notice.
2. Ms. Dhabal, learned Advocate appearing for the petitioner, submits that in respect of the cash credit account maintained with the said Bank, there is a meager outstanding of Rs.98,000/-, which her client is ready and willing to pay.
3. Ms. Roy Chowdhury, learned Advocate appearing for the respondents no. 2 to 5, had been requested to take necessary instructions from the Bank to facilitate such payment and file an affidavit disclosing the accounts and statements in respect thereof.

4. Such affidavit has been filed in Court and is kept on record.
5. It appears from the affidavit that other than the cash credit account of the petitioner there are two other accounts, the outstanding aggregate whereof, is in excess of Rs.1.66 crores. However, a sum of Rs.16 lakhs is required to make the accounts standard, by way of an upgradation from a non-performing asset.
6. Ms. Roy Chowdhury further submits that the Bank has taken steps pursuant to the notice of October 24, 2024, by issuing a notice under Section 13(2) of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "SARFAESI Act"). The writ petition, according to her, may have lost force.
7. However, in her usual fairness, Ms. Roy Chowdhury submits that the Bank will consider any proposal forthcoming from the petitioner to settle the entire dues or at least to enable the Bank to upgrade the accounts from a non-performing asset to a standard asset.
8. Ms. Dhabal submits that she will submit the proposal to the Bank by December 5, 2025.

9. The Bank is directed to consider such proposal and dispose of the same, upon intimation to the petitioner by December 20, 2025.

10. The writ petition is, thus, disposed of with the aforestated directions.

11. There shall, however, be no order as to costs.

12. Since no affidavit has been called for, the allegations contained in the writ petition are deemed to be denied.

13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)