

D/L 11
27.03.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 6756 of 2025

Mrs. Rita Pal & Ors.

Vs.

UCO Bank & Ors.

Mr. Debanjan Banerjee

Mr. Rahul Das

Ms. Susnita Saha

...for the Petitioners.

Mr. Anjan Chakraborty

Ms. Avantika Chakraborty

...for the UCO Bank.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner no. 1 happens to be the wife of the person who is the borrower and has gone missing in the year 2008. The petitioner nos. 2 & 3 are the children of the borrower.
3. Challenging the notice issued under Section 13 (4) of the SARFAESI Act, the petitioners have approached the learned Debts Recovery Tribunal.
4. The bank took steps under Section 14 of the SARFAESI Act. Sale notice has been published and 29th March, 2025 is the date fixed for sale of the secured asset.
5. The petitioners contend that the bank obtained order under Section 14 upon suppression of material facts. The issue of pendency of the Section 17 application before the Tribunal has not been disclosed before the District Magistrate. The notice of sale was not served upon the petitioners on proper time.

6. The description of the borrower has been wrongly mentioned in the notice under Section 13 (4) of the SARFAESI Act. The bank instead of proceeding against the guarantors is proceeding against the wife and children of the borrower.
7. Learned advocate representing the bank submits that, the bank has taken steps in accordance with law to recover the dues.
8. As it appears that, the Section 17 application is pending consideration before the Debts Recovery Tribunal and the bank is contesting the same, accordingly, the instant writ petition is disposed of by directing that, the steps taken for sale pursuant to the public notice for e-auction of the secured asset scheduled on 29th March, 2025 shall be subject to the order passed by the learned Tribunal.
9. It will be open for the petitioners to approach the learned Tribunal for necessary relief, if so advised.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)