

11.02.2025
Item No.20
gd/ssd

CPAN/1798/2024

GOBINDA SINGHA AND ANR.
VS
S. SHRINIVASAN SHRIDHAR CHAIRMAN AND
INDEPENDENT DIRECTOR OF HOME LOAN AND
ANR.

in

MAT/1967/2024

GOBINDA SINGHA AND ANR.
VS
RESERVE BANK OF INDIA AND ORS.

Ms. Parna Roy Choudhury (Banerjee)
..for the Petitioners.

Ms. Arunima Lala,
..for the Respondent.

1. This contempt application has been filed alleging violation of the order passed in a writ petition filed by the applicants in WPA 24041 of 2024 dated 26.9.2024 and the subsequent order dated 11.11.2024.

2. While disposing of the writ petition, liberty was granted to the applicants to move the learned Debt Recovery Tribunal for appropriate relief.

3. A small reprieve was granted to the applicants for protecting their interest for a period of two weeks and the respondent/NBFC was directed not to proceed for a period of two weeks.

4. This order came to be passed on 26.9.2024 and not till 10th October, 2024. Subsequently there was no order of any protection. On 4.11.2024 a sale notice was issued and the same was also published and communicated to the various addresses of the applicants. On 11.11.2024 the matter was brought up before this court and the protection, granted earlier, was extended till 20.11.2024.

5. According to the applicants, the NBFC could not have published the sale notice dated 4.11.2024 and action has to be initiated under the Contempt of Courts Act.

6. Further, it is submitted by the learned advocate for the applicants that when the matter was heard by this court on 11.11.2024, the NBFC ought to have brought to the notice of this court upon the sale notice dated 4.11.2024 and this also calls for taking action under the Contempt of Courts Act.

7. We have heard the learned advocate appearing for the NBFC on the above submission.

8. Admittedly, on and after 10.10.2024 till 11.11.2024 there was no order preventing the NBFC from proceeding further. The sale notice was issued on 4.11.2024 and communicated to the applicants in the various addresses. On 11.11.2024 it is no doubt true that the NBFC did not place before this court the fact

that sale notice dated 4.11.2024 was issued and also published on 6.11.2024.

9. The learned advocate appearing for the NBFC submits that they were not instructed by their clients in this regard.

10. In any event the sale notice having been published when there was no order of interim protection passed by this court, the question of initiating contempt could not arise.

11. That apart, pursuant to the sale notice which was the second sale notice, sale of the property has been conducted and all action was initiated by the NBFC only after 20.11.2024.

12. Thus, as on date the third party interest has also accrued on the said property.

13. That apart, the proceedings are also pending before learned Debt Recovery Tribunal.

14. Therefore, we find no ground to initiate any action under the Contempt of Courts Act.

15. However, we leave it open to the applicants to canvass all issues before the learned Debt Recovery Tribunal in the pending proceedings.

16. The learned advocate appearing for the NBFC is directed to furnish a copy of the sale certificate issued in favour of the third party pursuant to the sale conducted in furtherance to the sale notice dated 4.11.2024.

17. With the above observations, the contempt application stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)