

M/L 164
17.02.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 28924 of 2024

Mr. Pintu Mondal

Vs.

Authorised Officer of IIFL Home Finance Limited & Ors.

Ms. Kakali Dutta

Mr. Sanjoy Chakraborty

...for the Petitioner.

Mr. Ranjit Singh

Mr. Amar Singh

Mr. Ratul Deb Banerjee

Ms. Anuska Roy

...for the State.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner's grievance is that, the financial institution is not handing over the 'No Dues Certificate'. According to the financial institution, there are dues from the petitioner which are payable.
3. From the order dated 12th October, 2023 passed by the Debts Recovery Tribunal, in SA 811 of 2023 filed by the petitioner it is clearly evident that the applicant has paid the total dues and on repayment of all the dues, possession of the property was restored to the applicant.
4. After submission is made before the Court of law that, the petitioner paid off all the dues, the authority is bound to issue the 'No Dues Certificate'. The authority cannot, now turn back, and submit that, the statement recorded in the order of the learned Tribunal is incorrect. If that be so, then the financial institution ought to have taken steps before the learned Tribunal for modification of the recording in the order dated 12th October, 2023.

5. A considerable period of time has elapsed after the order was passed. The financial institution will be bound by the submission recorded by the learned Tribunal.
6. Learned advocate for the financial institution raises an objection with regard to the maintainability of the writ petition.
7. The instant writ petition is disposed of by observing that the parties will be bound to act in accordance with the observation and recording of the order of the learned Tribunal.
8. The writ petition stands disposed of.
9. 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.)