

Form No. J.(2)
Item No. 60
AB

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

Present:
The Hon'ble Justice Aniruddha Roy

W.P.A. 1867 of 2025

DA3Malls LLP

Vs.

The Inspector General of Registration & Commissioner
of Stamp Revenue, West Bengal & Ors.

For the petitioner : Mr. Suresh Kumar Mitruka, Advocate
Mr. Aayush Mitruka, Advocate (VC)
Ms. Shruti Yadav
Mr. Sujit Swami

Heard on : September 11, 2025

Judgment on : September 11, 2025

Aniruddha Roy, J.

Affidavit of service filed in Court today, is taken on record.

None appears for the respondents, despite notice.

The writ petition shows that the petitioners is an auction purchaser in respect of an immovable property in an auction sale arising out of a proceeding under **Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002**. The relevant sale certificate confirming the sale in favour of the petitioner is annexed as **annexure P-2** at **page 23** to the writ petition. The correspondence dated **March 24, 2025** at **page 26** to the writ petition and **June 10, 2025** at **page 29** to the writ petition show that the sale certificate has duly been transmitted and submitted before the respondent no. 2 but still the respondent no. 2 has failed to register the said sale certificate so that the

conveyance of title in favour of the petitioner get completed in accordance with law. The petitioner by its letter dated **August 8, 2025** at **page 34** to the writ petition has made representation before the respondent no. 2 but of no effect till date.

The law is well settled that in case of such an auction sale it is the obligation of the bank to produce and transmit the original sale certificate before the jurisdictional registering authority and upon receiving such sale certificate from the bank, it is the mandatory obligation of the registering authority to complete the registration of the sale certificate so that title can be conveyed in favour of the certificate holder. The respondent no. 2 being the jurisdictional authority has failed to discharge its legal obligation till date.

Since the bank and the registering authority are not represented despite notice, the petitioner shall forthwith serve a copy of today's order upon the respondent no. 2 and the respondent no. 3.

The respondent no. 2 then upon issuing a prior notice of at least **seven days** to the petitioner and the respondent no. 3 shall hold a meeting and after discussing the issue in detail, the decision shall be arrived at should be recorded in a minute which shall be signed by the representatives of the petitioner, respondent no. 3 and the respondent no. 2 and copies shall be kept by all these three parties.

The respondent no. 2 then shall take all consequential and necessary steps following the decision to be arrived at in the joint meeting in accordance with law.

In the event it appears that, there is no further difficulty or clarification is required, the respondent no. 2 shall proceed and complete the registration of the sale certificate strictly in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 2 positively within a period of **eight weeks** from the date of communication of this order.

It is made clear that, this order shall not create any right or equity in favour of the petitioners and the respondent no. 2 shall be free to take its decision by applying its independent mind but **strictly in accordance with law** but whatever decision shall be taken the same shall be communicated with reasons to the petitioner and the respondent no. 3.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition **W.P.A. 1867 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)