

OD-6

APO/69/2024
IA No.GA/1/2024

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

PUNJAB NATIONAL BANK AND ANR.

-VERSUS-

SIDDHI VINAYAK HIMGHAR (P) LTD.
AND ORS.

Appearance:

Mr. Swatarup Banerjee, Adv.

Mr. S. K. Tiwari, Adv.

Mr. Shambhu Mahato, Adv.

Ms. Muskan Jatan, Adv.

...for the appellants.

Mr. S. N. Mookherjee, Sr. Adv.

Mr. Sabyasachi Chowdhury, Sr. Adv.

Mr. Biswaroop Bhattacharjee, Adv.

Mr. Dwaipayan Basu Mullick, Adv.

Mr. Rajesh Upadhyay, Adv.

Mr. Shoham Sanyal, Adv.

...for the respondent.

BEFORE :

THE HON'BLE JUSTICE DEBANGSU BASAK

And

THE HON'BLE JUSTICE MD. SHABBAR RASHIDI

Date : 16th September, 2025.

The Court :- Appeal is directed against the order dated April 29, 2024 passed in WPO/339/2024. Appeal is at the behest of Punjab National Bank and its functionaries.

Learned advocate appearing for the appellants submits that the appellants were not provided any opportunity to file affidavits. He submits that, the issues raised in the writ petition are covered by the judgment and

order rendered by the Division Bench in APOT/390/2024 & IA No.GA/2/2024 (Harish Kumar Agarwal & Ors. vs. Axis Bank & Anr.), APOT/385/2024 & IA No.GA/2/2025 (Punjab National Bank & Anr. vs. Vikass Agarwal) with APOT/8/2025 & IA No.GA/2/2025 (Punjab National Bank & Anr. vs. Vishambhar Saran) and MAT/1823/2023 & IA No.CAN/1/2023 (Union of India & Anr. vs. Prashant Bothra & Ors.) with MAT/1889/2023 & IA No.CAN/1/2023 (Bank of Baroda vs. Prashant Bothra & Ors.)

Learned advocate appearing for the private respondent submits that, various documents are sought to be relied upon in the stay petition which were not part of the trial Court records.

Apparently the writ petition was disposed of without inviting affidavits from the parties.

Appellants are also seeking to rely upon various documents, which according to the appellants, are materials for the purpose of deciding the issue raised in the writ petition. Appellants claim that since they were not allowed to file affidavits, such documents could not be relied upon before the learned Single Judge.

In the facts and circumstances of the present case, it would be appropriate to set aside the order impugned since the appellants were not afforded an opportunity to file affidavits.

Let affidavit-in-opposition to the writ petition be filed by October 28, 2025; reply thereto, if any, be filed by November 4, 2025.

Parties are at liberty to mention the matter before the appropriate Court for final hearing.

Accordingly, the appeal and the connected application stand disposed
of.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)

A/s.