

OD-2

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/360/2024
IA NO: GA/2/2024

CANARA BANK & ANR.
VS.
SHRI DIN DAYAL KAYAN

BEFORE :

THE HON'BLE THE CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)
Dated : 4TH APRIL, 2025

Appearance:
Ms. Sremoyee Mitra, Adv.
..for Canara Bank

THE COURT: This intra-court appeal has been filed by the appellant Canara Bank challenging the order dated 9th July, 2024 in WPO 580 of 2024. The said writ petition was filed by the respondent challenging a notice issued under Section 13(2) of the SARFAESI Act.

Learned Writ Court came to the conclusion that the notice impugned in the writ petition issued under Section 13(2) of the SARFAESI Act is barred under Section 36 of the Act and Article 62 of the Schedule of the Limitation Act.

It is submitted by the learned Advocate appearing for the appellant bank that during the pendency of the appeal, an one-time settlement offer was made to the respondent-writ petitioner, which was accepted by the respondent-writ

petitioner and the entire amount as demanded by the appellant bank in the one-time settlement proposal was paid by the respondent-writ petitioner. To the said effect, a communication has been issued by the Manager, Recovery and Legal Section, Regional Office-1, Agra of the appellant bank.

In the light of the subsequent development, nothing survives for adjudication in this appeal. Nonetheless, since a question of law is involved in this appeal, the question has to be necessarily left open.

Accordingly, the appeal stands disposed of on the ground that the one-time settlement proposal offered by the appellant bank having been accepted by the respondent-writ petitioner, nothing further survives for adjudication.

As observed above, the questions of law raised in this appeal are left open.

The application IA No: GA/2/2024 also stands disposed of.

(T.S. SIVAGNANAM, CJ.)

(CHAITALI CHATTERJEE (DAS), J.)