D/L.02.
March 18, 2026.
KAUSHIK

WPA No. 6173 of 2025
(CAN 1 of 2025)
(CAN 2 of 2025)

Tulika Santra
Vs.
Bank of Baroda & Ors.

Mr. Amritam Mondal
Mr. Aharnish Ghosh
… for the petitioner

Mr. Dipanjan Dutta
Ms. Papiya Dutta
Ms. Esha Basak
… for the Bank of Baroda

<u>CAN 1 of 2025</u>

This is an application for recalling of an order dated 11th June, 2025 whereby the present writ petition was dismissed for default.

The order categorically records that the petitioner was not represented on the day the matter was dismissed for default. Neither was any accommodation sought for on behalf of the petitioner.

The present application was filed on 19th June, 2025 and there is nothing to indicate that any attempt was made to move the same. The grounds that have been alleged in the application are that the matter had been missed in the list by the Advocate appearing on behalf of the petitioner. During the interregnum, a second application being CAN 2 of 2025 has been filed in a disposed of writ petition whereby the petitioner prays for stay of notices filed by the respondent-bank in a proceeding under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI).

By consent of the parties, both these applications are taken up for hearing.

Despite there being a lack of bonafides, in view of the liberal approach followed in such matters, CAN 1 of 2025 stands allowed. The writ petition stands restored to its original file and number. By consent of the parties, the writ petition WPA 6173 of 2025 is taken up for hearing.

The writ petition is directed against a notice dated 13th September, 2024 (wrongly described in the prayer as 30th September, 2024. By the said notice, the petitioner was called upon to pay an outstanding amount of Rs.7,53,550/- within seven working days from receipt of the letter. Subsequently, by a communication dated 17th October, 2024 (wrongly described as 7th October, 2024 in the writ petition), the petitioner was once again intimated to pay the balance outstanding amount in respect of the loan account.

The true facts of the case reveal that there were multiple credit facilities, which have been granted by the respondent financial institution to the petitioner. The particulars of all such accounts are available from a statement dated 10^{th} March, 2026, which has been annexed to the Supplementary Affidavit filed on behalf of the petitioner aggregates to Rs.76,87,087.66/- which had become due and payable on 10^{th} March, 2027 in respect of eight different accounts of the petitioner. The details of all eight accounts are provided in the Statement.

The multiple credit facilities being enjoyed by the petitioner have been deliberately suppressed by the petitioner in the writ petition. The writ petition has been filed on the basis as if it is only a Single Gold Loan Account which the petitioner has entered into with the respondent financial institution. In such circumstances, the prayer of the petitioner seeking to repay only the Gold Loan Account is ill-motivated and false.

There is no merit in the writ petition. The petitioner has not been able to demonstrate any enforceable legal right. On the contrary, the petitioner has approached this Court with unclean hands and by misleading and suppressing materials facts.

Accordingly, the writ petition being WPA 6173 of 2025 along with the connected interlocutory application stands dismissed.

Liberty is granted to the respondent financial institution to initiate all coercive steps in accordance with law, if so advised.

(Ravi Krishan Kapur, J.)