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25.06.2026
Ct. No.07
J.Das

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10174 of 2026

Jashim Abbas Laskar
Vs.
State Bank of India & Ors.

Mr. Avra Mazumder
Ms. Alisha Das
... For the petitioner

Ms. Manika Roy
...For the SBI

Mr. Sukanta Ghosh
Mr. Arghya Chatterjee
...For the State

Dilip Samanta, Advocate
... For the private respondent

1. The grievance of the petitioner is directed against an auction sale which has been conducted by the respondent bank on 30 November 2019.
2. The petitioner is the successful auction purchaser and had deposited the entire consideration of Rs.20,11,000/- as far back as on 30 November 2019 with the respondent no.1 bank. The petitioner had also been issued a Sale Certificate on 1 December 2019. However, possession of the secured asset has not been handed over to the petitioner. In this background, the petitioner had approached this Court seeking appropriate directions for refund of the entire sale

consideration alongwith interest @ 18% per annum. There is also an alternative prayer for delivery of the possession of the secured assets.

3. The matter had been heard on diverse occasions. Pursuant to orders passed by this Court, possession was also delivered to the petitioner. However, by an order dated 24 June 2026 passed by a Division Bench of this Court, *status quo ante* had been directed and the matter remanded to this Court.
4. There are number of prejudicial factors pertaining to the conduct of the private respondent constituent as well as the respondent bank. It appears from the records now referred to that, at a prior point of time, the Debts Recovery Tribunal had passed an order restraining the bank from confirming the sale or handing over the Sale Certificate to the auction purchaser without any prior notice to the private respondent. Admittedly, this order is still subsisting and strangely no appeal has been preferred by the respondent bank. This fact was never brought to the attention of this Court in any of the hearings which had taken place and a distorted picture depicted as if the order for sale had attained finality and the same be implemented.
5. In this background, the orders which were passed for taking possession of the secured asset were

without taking note that the Debts Recovery Tribunal, by an order dated 30 November 2021 had *inter alia* restrained the respondent bank from taking possession of the secured assets. The fact of the subsisting order of the DRT had never been mentioned before this Court.

6. The order directing taking of physical possession was passed on 17 June 2026. The petitioner had effected service on the private respondent borrower on 22 June 2026. Strangely, an appeal had been filed by the borrower on 22 June, 2026, prior to service of the writ petition.
7. The conduct of the respondent bank is lacking in bonafides and diligence in making recovery of the dues from the private respondent. The sale conducted by the bank is under a cloud and there is no reason for the petitioner to be foisted with uncertainty and litigation. In such circumstances, the prayer of the petitioner for refund of entire consideration alongwith interest @ 12% per annum is allowed from the date of payment by the petitioner i.e. 30th November, 2019.
8. The above facts and the lackadaisical conduct of the concerned bank officials be brought to the attention of the AGM Customer, Nodal Cell. The petitioner is directed to take necessary steps to serve a copy of this order on the AGM Customer, Nodal Cell. In view of the above, nothing remains

for adjudication in this petition adjudication. WPA 10174 of 2026 stands disposed of. Interim orders stand vacated.

9. This order is passed in the presence of the private respondent borrower.

(Ravi Krishan Kapur, J.)