

(2021) 06 UK CK 0051

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1100 Of 2021

Yugal Kishore

APPELLANT

Vs

State Bank Of India

RESPONDENT

Date of Decision : 17-06-2021

Acts Referred:

Citation : (2021) 06 UK CK 0051

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : B.M. Pingal, Ashish Joshi

Final Decision : Disposed Of

Judgement

Manoj Kumar Tiwari, J

1. Heard learned counsel for the parties through video conferencing.
2. Petitioner was the highest bidder in respect of a property, which was put to auction by State Bank of India, Stressed Assets Recovery Branch, Saharanpur Road, Dehradun.
3. Petitioner deposited 25% of the bid amount on 06.02.2021. The respondent-bank, vide order dated 10.02.2021 granted time up to 20.02.2021 to the petitioner to deposit the remaining 75% of the amount. Thereafter, on the request made by the petitioner, time for depositing the remaining 75% of the amount, was extended by respondent-bank up to 5.05.2021.
4. On 06.05.2021, petitioner made a request through e-mail for further extension of time. His request has been rejected by the bank vide communication dated 07.05.2021, which is on record as Annexure No.-6 to the writ petition. Thus, feeling aggrieved, petitioner has approached this

Court, seeking the following reliefs:-

â??(a) Issue a writ order direction in the nature of mandamus directing the respondent bank/competent authority to extend the period of one month

for payment of remaining 75% of final bid/auction amount of the property ID-SBIN611092 (Land & Building) and SBIN611094 (Plant & Machinery)

or to mould the relief appropriately keeping in view the facts highlighted in the body of the petition.

5. Learned counsel for the petitioner submits that online auction was held on 05.02.2021, in which petitioner was the highest bidder with a bid amount

of Rs.2,75,26,000/-. He further submits that petitionerâ??s father, namely, Ramesh Kumar, passed away on 29.04.2021 due to Covid-19, who was

the proposed mortgager, in respect of a loan, which petitioner had applied from Shivalik Marcantile Cooperative Bank Ltd., Saharanpur and petitioner

was also tested Covid positive, therefore, he could not arrange the necessary amount to be deposited with the respondent-bank.

6. Mr. B.M. Pingal, learned counsel for the petitioner has drawn attention of this Court to Annexure No.-3 to the writ petition, which is a sanction

letter dated 23.04.2021, issued by Shivalik Marcantile Cooperative Bank Ltd., Saharanpur for sanction of a business asset loan of Rs.2,25,00,000/-.

Learned counsel for the petitioner thus submits that due to the peculiar facts and circumstances of the case, petitioner is entitled to further extension

of time to deposit the remaining 75% of the bid amount.

7. Mr. Ashish Joshi, learned counsel appearing for the respondent-bank submits that he has written instructions in the form of e-mail, which was

received in his office on 15.06.2021 from Assistant General Manager, State Bank of India, Stressed Assets Recovery Branch, Saharanpur Road,

Dehradun. Copy of the e-mail, as forwarded by Mr. Ashish Joshi shall be kept on record. Relevant extract of the e-mail dated 15.06.2021 reads as

under:-

â??Dear Sir,

We have been brought to notice that in the instant writ petition counsel of the petitioner requested to grant of further time of 30 days owing to special

circumstances due to COVID pandemic. In this context, the branch looking to facts and circumstances of the matter the branch has no objection, if

one more month be granted to the petitioner as a special case to deposit the

remaining auction amount, failing which the amount already deposited may be forfeited.

Regards

AGM (SARB Dehradun)â??

8. Having regard to the concession made by Mr. Ashish Joshi, based on written instructions received by him from his client and with the consent of

the parties, the writ petition is disposed of with the following directions:

A. Petitioner shall deposit the remaining bid amount with the respondent-bank positively, on or before 16.07.2021.

B. In case of failure on the part of the petitioner to deposit the remaining bid amount within the stipulated time, the amount deposited by him earlier,

shall stand forfeited and petitioner shall have no right to claim refund of the said amount.

9. Let a certified copy of this order be issued within 24 hours.