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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/6539/2024

AVTAR SINGH
SON OF AJIT SINGH
RESIDENT OF INTERNATIONAL SCHOOL,
NEAR KALI MATA MANDIR ROAD,
NALAPARA, POST OFFICE- SAWKICHI,
POLICE STATION- BASIST, GAUHATI,
DISTRICT- KAMRUP METROPOLITAN,
ASSAM- 781040.

VERSUS

THE STATE OF ASSAM AND 7 ORS
DEPARTMENT OF HOME AFFAIRS,
THROUGH ITS PRINCIPAL SECRETARY,
ASSAM SECRETARIAT, BLOCK A,
2ND FLOOR, DISPUR, GUWAHATI,
ASSAM- 781006.

2:DIRECTOR GENERAL OF POLICE
STATE OF ASSAM
ASSAM POLICE HEADQUARTERS

ULUBARI
GUWAHATI- 781007.

3:SUPERINTENDENT OF POLICE
DISTRICT KAMRUP
GUWAHATI
ASSAM.

4:STATION HOUSE OFFICER
POLICE STATION BASISTHA

BELTOLA CHARIALI
NEAR NH37

GUWAHATI
ASSAM.

5:REVERVE BANK OF INDIA
CENTRAL VISTA
SECTOR 17
CHANDIGARH
THROUGH ITS REGIONAL DIRECTOR.

6:RESERVE BANK OF INDIA
500X PLUS 7WS
STATION RD.

MAWHATI
PAN BAZAAR
GUWAHATI
ASSAM 781001

THROUGH ITS AUTHORIZED OFFICER.

7:YES BANK LIMITED
HOUSE
OFF WESTERN EXPRESS HIGHWAY

SANTACRUZ (EAST)
MUMBAI- 400055
THROUGH ITS CHAIRMAN-CUM-MANAGING DIRECTOR.

8:YES BANK LIMITED
1ST FLOOR
MEGHA PLAZA COMPLEX

BELTOLA
CHARIALI
GUWAHATI

ASSAM- 781028

THROUGH ITS BRANCH MANAGER

Advocate for the Petitioner : MD A ISLAM,

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 18.12.2024

Heard Mr. K. Bharadwaj, learned counsel for the petitioner. Also heard Mr. B.J. Talukdar, learned counsel representing the respondent nos. 1, 2, 3 and 4; Mr. M. Sharma representing the respondent nos. 7 and 8. None represents respondent nos.5 and 6.

The grievance of the petitioner is that the commercial vehicle which he has purchased on a loan taken from the respondent nos. 7 and 8. He had defaulted in repayment in certain installments and the bank has issued a notice for seizure of the vehicle.

The counsel for the petitioner submits there were some default but as of now he is ready to square up the installments required to be made and he is ready to take all steps necessary to repay the loan within a time bound period. However, the vehicle which he has purchased is the vehicle through which he earns his livelihood by using it for commercial purposes. The registration number of the vehicle is NL-01-AE-8302. He further submits that the bank authorities are proceeding to seize the vehicle in violation of the directions of the Apex Court rendered in *Kaushal Kishor v. State of Uttar Pradesh and others, (2023) 4 SCC 1*. He submits the bank authorities be restrained from passing any order for seizing the vehicle as the petitioner has taken steps to deposit the amount necessary. The petitioner has already deposited an amount of about

30,39,425/-.

Let the respondents complete their instructions and file necessary objections, if any, in the meantime.

The bank authorities will not take steps to seize the vehicle from the petitioner. The petitioner also is directed not to dispose of the vehicle without any leave or transfer the ownership without leave from this Court.

Matter be listed on 10.02.2025.

Continuation of interim orders will be reconsidered on the next date fixed.

The petitioner will continue to pay the installments, as required in terms of the agreement.

JUDGE

Comparing Assistant