

AD-18 – 20.
Ct No.09
05.08.2022
TN

CPAN 229 of 2022
In
WPA No. 1674 of 2020
IA No: CAN 1 of 2021
With
WPA No. 21968 of 2019
IA No: CAN 1 of 2021

Sm. Mita Banerjee
Vs.
Shri Soma Sankara Prasad and others

Mr. Biswapriya Samanta
.... for the petitioner

Mr. Soumen Das,
Mr. Sourjya Roy
.... for the alleged contemnor
nos.1, 2 & 3

Mr. Vipul Kundalia
.... for the Union of India

Affidavits-in-opposition filed in court today be
kept on record.

Upon hearing learned counsel for the parties, it
appears that a lame excuse has been sought to be
given, as appearing in Clause (w) of paragraph no. 6 of
the affidavit-in-opposition filed by the alleged
contemnors. The averments made therein indicate
that there was allegedly a miscommunication between
the then Authorized Officer and the learned Advocate-
on-record for the respondent-Bank whereby, even
though the said Authorized Officer meant to convey

that the date of auction sale, being January 30, 2020 had already passed, it was understood by the learned Advocate-on-record that the sale of the secured asset has taken place. It is unimaginable that a reasonable Officer of the Bank communicates that a date of auction sale has passed in such a manner that the Advocate will construe it in the sense that the sale itself has occurred.

Hence, finding no plausible explanation worth the name in the affidavit-in-opposition, the Authorized Officer of the Bank discharging duties at present is directed to personally be present in court and explain how and why such so-called 'miscommunication' took place.

The matter shall be enlisted on next Friday, that is, August 12, 2022 at 10.30 a.m.

(Sabyasachi Bhattacharyya, J.)