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WPA 20277 of 2025

Sri Sudhin Paul & Anr.
Vs.
Union Bank of India & Ors.

Mr. Debashis Saha
Ms. Babita Dey
Ms. Sucheta Pal
..... for the petitioners

Mr. Dipanjan Datta
Ms. Esha Basak
..... for the Union Bank of India

Mr. Lal Mohan Hajra
Mr. Anirudha Chatterjee
Mr. Somesh Panja
Mr. Parikhith Lakhota
Mrs. Anuradha Hajra
Mrs. Moutusi Hazra
..... for the respondents no. 7 & 8

1. Affidavit-of-service, as filed in Court, be kept on record.
2. A peculiar situation has arisen in view of the fact that the sale of mortgaged properties has been challenged by the guarantor while the borrower claims refund of the excess from the sale proceeds after liquidation of the outstanding dues by the respondent Bank.
3. Mr. Saha, learned Advocate appearing for the petitioners, claims that they are the owners of one of the three properties which has been sold and seek refund of the balance amount that may have been obtained from the sale of such property.

4. Mr. Hajra, learned Advocate appearing for the respondents no. 7 and 8, represents the guarantor saying that two of the properties sold belong to his clients. Since the sale has been challenged by his clients, the question of refund does not arise presently.

5. Mr. Datta, learned Advocate appearing for the respondent no. 1/Union Bank of India, submits that the sale has been held in accordance with the provisions of the Securitization and Reconstruction of the Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "SARFAESI Act") and the challenge by the guarantor has already faced two rounds of failure before the Debt Recovery Tribunal as well as the Appellate Tribunal.

6. It is the order of the Appellate Tribunal which has been carried to this Hon'ble Court by way of a revisional application. Such application is pending adjudication and has been fixed on January 21, 2026.

7. Parties are *ad idem* that this matter ought to be taken up after the revisional application has been disposed of.

8. In view thereof, let this matter appear in the list on January 22, 2026.

(Reetobroto Kumar Mitra, J.)