

Sl. No.7
18.03.2021
Court no.3
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*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 560 of 2021

D & L Rice Mill and another
Vs.
West Bengal Financial Corporation and others

*Mr. Abhisek Palit,
Ms. Aparajita Rao.*

...for the Petitioners.

Mr. Pallav Kumar Sinha.

...for the respondent nos. 1 to 3.

Mr. Kunaljit Bhattacharjee.

...for the respondent no.4.

The respondent no. 1 sanctioned a Term loan of Rs 180.00 lakh to the petitioners against mortgage and hypothecation of movable and immovable fixed assets of the rice mill of the petitioners.

The said property was sold in auction on October 1, 2018, for clearing the outstanding dues payable by the petitioner to the respondent no.1.

Learned advocate for the petitioners submits that after such sale, a surplus amount in excess of Rs.13 lakh is lying with the respondent no.1 after adjusting the sale proceeds with the outstanding dues of the petitioners. She prays for refund of the said amount to the petitioners.

Learned advocate appearing for the respondent nos. 1 to 3 submits that an amount of Rs. 2,71,000/- (two lakh and

seventy one thousand) is lying with them after adjustment and making necessary deductions.

Since the surplus amount is disputed by the parties, the respondent nos.1 to 3 will file their affidavit-in-opposition to this writ petition within a period of four weeks from date. Reply thereto, if any, be filed within a period of two weeks thereafter.

List this matter for hearing after six weeks before the next available Circuit.

(Kausik Chanda, J.)