

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

...

WPA/798/2023

Subham Lall

Vs.

The Bank Manager and another

Mr. Siddhartha Singha ... for the petitioner

Mr. N. A.Khan ... for the respondents

July 26, 2023
(SR)
Item No.10

Mr. Singha, learned advocate appearing for the petitioner submits that the petitioner underwent a training in Entrepreneurship Development Programme (EDP) under PMEGP Scheme with Andaman and Nicobar Islands Khadi & Village Industries Board & Rural Self Employment Training Institute and with the sponsoring bank, being the State Bank of India, Port Blair. After successful completion of training, the petitioner was sanctioned a car loan on 9th January, 2018 with a direction towards repayment of the same in equal monthly installments of Rs. 19,400/- for 60 months. After he paid all the EMIs, the bank issued a demand notice dated 27th January, 2023 for an amount of Rs.84,224/- and thereafter, the bank authorities took possession of the petitioner's car and auctioned it on 29th April, 2023. Accordingly, the petitioner could not utilize the car and lost his sole source of livelihood. The bank had taken over the possession of the car in a manner not recognized by law.

He submits that for a loan of Rs.8.50 lakhs, the bank had collected more than Rs.18.00 lakhs and illegally auctioned his car.

Mr. Khan, learned advocate appearing for the bank disputes such contention and submits that due to non-payment of loan, the car had to be sold in an auction. There is no illegality in such steps taken by the bank.

It appears that utilization of the car was the sole source of livelihood of the petitioner. Even before the bank took over possession of the car, its utilization stood intervened by a period of lost due to the Covid pandemic. The petitioner alleges that for a loan of Rs.8.50 lakhs, more than Rs.18 lakhs had been recovered upon adding interest in an illegal and impulsive manner.

In view thereof, the respondent no.1 is directed to file a report in the form of an affidavit before this Court on the returnable date by giving a detailed account of the loan availed, the amount repaid by the petitioner and the interest recovered from the petitioner.

List this matter for further consideration before the next Circuit Bench on 21st August, 2023 subject to the convenience of the Hon'ble Bench.

(Tapabrata Chakraborty, J.)