## GAHC010086292022



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

Case No.: WP(C)/3010/2022

TAPAN KUMAR BISWAS AND 3 ORS. S/O RAJKUMAR BISWAS, R/O VILL. 61 PIYOLI PHUKAN ROAD, REHABARI, NEAR BHASKAR AGENCY, REHABARI, P.O. REHABARI, KAMRUP M ASSAM, PIN-781008

2: GITA BISWAS D/O BHUPENDRA GHOSH R/O VILL. 61 PIYOLI PHUKAN ROAD REHABARI NEAR BHASKAR AGENCY REHABARI P.O. REHABARI KAMRUP M ASSAM PIN-781008

3: SUBANKAR BISWAS S/O TAPAN KUMAR BISWAS R/O VILL. 61 PIYOLI PHUKAN ROAD REHABARI NEAR BHASKAR AGENCY REHABARI P.O. REHABARI KAMRUP M ASSAM PIN-781008

4: TRIDIP BISWAS S/O TAPAN KUMAR BISWAS R/O VILL. 192/1 CHARU CHANDARA PLACE EAST LAKE GARDENS KOLKATA P.O. TOLLYGUNGE WEST BENGAL PIN-70004

**VERSUS** 

ICICI BANK AND 2 ORS. HAVING ITS BRANCH OFFICE LOCATED AT ICICI BANK LTD. FANCY BAZAR BRANCH, OHIO SHOPING COMPLEX, M.G. ROAD, FANCY BAZAR, GUWAHATI, PIN-781001 DIST. KAMRUP (M) ASSAM

2:THE BRANCH MANAGER ICICI BANK LTD.
FANCY BAZAR BRANCH
OHIO SHOPING COMPLEX
M.G. ROAD
FANCY BAZAR
GUWAHATI
PIN-781001 DIST. KAMRUP (M) ASSAM

3:THE BRANCH MANAGER
ICICI BANK LTD.
KOLKATA BRANCH 4TH FLOOR
228A
AJC BOSE ROAD
KOLKATTA-70002

**Advocate for the Petitioner** : MR. B D DEKA

**Advocate for the Respondent:** 

#### **BEFORE**

# HON'BLE THE CHIEF JUSTICE (ACTING) MR. N. KOTISWAR SINGH HON'BLE MR. JUSTICE SOUMITRA SAIKIA ORDER

### 11-05-2022

[N. Kotiswar Singh, CJ (Acting)]

Heard Mr. B.D. Deka, learned counsel for the petitioners.

The petitioners, after having obtained certain loans from the respondents Bank, failed to repay the EMIs of the said loans in time due to the COVID-19 pandemic. By an order dated 03.09.2020 passed in WP(C) No.825/2020 and Ors, the Hon'ble Supreme Court had extended certain benefits to the loan defaulters by providing that those accounts which had not been declared Non-performing Asset (NPA) till 31.08.2020 shall not be declared NPA till further

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orders. The respondents Bank though classified the petitioners' firm as an NPA on

31.01.2021, thus, come under the protective umbrella of the Supreme Court order, yet,

initiated SARFAESI proceedings. Accordingly, the petitioners have sought for restraining the

SARFAESI proceedings by filing this petition.

Issue notice, returnable by 2 (two) weeks.

Learned counsel for the petitioners shall take steps for service of notice upon the

respondents by registered post with A/D within 7 (seven) days from today.

Interim prayer would be considered on the next returnable date.

However, in the meantime, no further coercive action shall be taken against the

petitioners in the SARFAESI proceedings, which have already been initiated.

List the matter after 2 (two) weeks.

**JUDGE** 

CHIEF JUSTICE (ACTING)

**Comparing Assistant**