

Court No. - 40

Case :- WRIT - C No. - 4576 of 2025

Petitioner :- Saurabh Singh Chauhan

Respondent :- Bank Of Baroda, Regional Stressed Assets Recovery Branch
And Another

Counsel for Petitioner :- Afzal Parvej, Arif Ikbal

Counsel for Respondent :- Ajal Krishna, Anadi Krishna Narayana

Hon'ble Shekhar B. Saraf, J.

Hon'ble Dr. Yogendra Kumar Srivastava, J.

1. Heard learned counsel for the parties.
2. On April 9, 2025, on certain submissions made on behalf of the petitioner, this Court had passed an order directing the Bank to compensate and pay damages to the petitioner with regard to the amount that had been deposited by the petitioner in the auction along with interest at the rate of 24% per annum.
3. It is now revealed from the factual matrix and the submissions made by learned counsel appearing on behalf of both the parties that the auction was cancelled within five days from the date of auction and the earnest money received from the petitioner was returned to the petitioner within a period of seven days from the date of auction. This particular fact was suppressed before this Court on the date the order was passed with regard to the payment of interest on the earnest money, that was supposedly lying with the Bank.
4. As the factual matrix is now clear, we recall the portion of the order dated April 9, 2025 in relation to the payment of interest and return of the money to the petitioner. Furthermore, since the auction was cancelled and no sale certificate was issued in favour of the petitioner, who was the auction purchaser, we are of the

view that no intervention is required by this Court at this stage. It is also to be noted that the borrower has approached the Bank and the Bank has accepted OTS settlement with the borrower and returned the possession of the property in question to the borrower.

5. Under these circumstances, the remedy, if any, to the petitioner, lies before the Debts Recovery Tribunal.

6. With the above observations, writ petition is **disposed of**.

Order Date :- 16.5.2025

RKK/-

(Dr Y K Srivastava, J)

(Shekhar B Saraf, J)