

**THE HON'BLE SRI JUSTICE JOYMALYA BAGCHI  
AND  
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

**WRIT PETITION No.20548 of 2021**  
(Taken up through video conferencing)

**ORDER:** (Per Hon'ble Sri Justice Joymalya Bagchi)

Petitioner is the guarantor of the secured asset, which is sought to be put up for auction on 18.09.2021 in order to recover dues of the respondent-Bank as the principal borrower had failed to repay the loan to the respondent-Bank.

Learned counsel appearing for the petitioner submits that the petitioner should not be penalised for failure of the principal borrower to take advantage of the One Time Settlement (OTS) Scheme, which was offered by the respondent-Bank.

We have considered the materials on record.

Liability of a guarantor is coextensive with that of the principal borrower and it is left to the creditor to pursue any of the securities available to it for realisation of the loan. Hence, decision of the bank to proceed against the property mortgaged by the petitioner-guarantor cannot be said to be illegal or without jurisdiction.

It is submitted by learned counsel for the petitioner that petitioner is ready and willing to pay the reserve price of the secured asset put up for auction.

In the light of such submission, it is open to the petitioner to participate in the auction, if so advised, in accordance with law.

With these observations, the Writ Petition is disposed of.  
There shall be no order as to costs.

As a sequel, Miscellaneous Petitions, if any, pending in this  
Writ Petition shall stand closed.

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**JOYMALYA BAGCHI, J**

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**KONGARA VIJAYA LAKSHMI, J**

Date: 17.09.2021

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**Dated: 17.09.2021**

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