



2026:KER:37538

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

MONDAY, THE 1ST DAY OF JUNE 2026 / 11TH JYAISHTA, 1948

WA NO. 140 OF 2026

(AGAINST THE JUDGMENT DATED 26.11.2025 IN RP NO.1194 OF
2025 OF HIGH COURT OF KERALA.)

APPELLANTS/REVIEW PETITIONERS/RESPONDENTS IN WP(C) :

- 1 THE AUTHORIZED OFFICER,
UNDER SARFAESI ACT, CENTRAL BANK OF INDIA,
REGIONAL OFFICE, OPP. NORTH RAILWAY STATION,
ERNAKULAM, PIN - 682018.

- 2 CENTRAL BANK OF INDIA,
THRISSUR BRANCH, SNEHA COMPLEX, MACHINGAL LANE,
M.G.ROAD, THRISSUR, REPRESENTED BY ITS BRANCH
MANAGER., PIN - 680001.

BY ADVS. SHRI K.M.ANEESH, SC,
CENTRAL BANK OF INDIA

RESPONDENT/RESPONDENT/WRIT PETITIONER:

SHAHANA VENUS,
W/O VENUS, KANDANGTH HOUSE, HARI NAGAR,
STREET NO.15A, HOUSE NO.298A, POONKUNNAM,
THRISSUR, PIN - 680002

BY ADV. SRI. S. SACHITHANANDA PAI

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
01.06.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



..2..

JUDGMENT

Dated this the 1st day of June, 2026

Soumen Sen, C.J.

The writ petition was filed by the auction purchaser seeking refund of 35% of the alleged money deposited by him, as he was ultimately not declared the successful bidder. It is an admitted fact that the property has been sold to the successful bidder and that the entire amount has been released.

2. The appellant Bank resisted the refund of the amount as directed by the learned Single Judge on the ground that the dispute falls within the domain of the Recovery of Debts and Bankruptcy Act, 1993 and the direction to take action against the Bank Officials responsible for accepting the amount beyond the stipulated time. Although technology has resulted in ease of business, but it also, at times, creates problems, as sometimes, transactions are not properly reflected due to technical glitches. The Bank admits of such technical glitch, but refused to refund the amount on the ground that the



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account of the appellant was debited prior to the deposit was accepted by the Bank.

3. Having regard to the fact that the technical glitch is admitted and the same could induce a belief in the mind of the writ petitioner that his bid had not been accepted as it was deposited beyond the time stipulated by the appellant, we do not find any infirmity in the order passed by the learned Single Judge.

4. However the direction to take appropriate action against the officials, as contained in the paragraph 11 of the impugned judgment, is set aside for the reasons recorded above. The amount should be refunded within one week from today.

5. The appeal stands disposed of accordingly.

Sd/-
Soumen Sen
Chief Justice

Sd/-
Syam Kumar V.M.
Judge