

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

Writ Petition No. 10552 of 2024

In the matter of:

An application under article 102 of the
Constitution of the People's Republic of
Bangladesh.

AND

In the matter of:

Janata Bank Limited

... Petitioners

-Versus-

The Artha Rin Adalat, Dhaka and another

... Respondents

Ms. Halima Ferdous, Advocate

... For the petitioner

Mr. Ali Imam Khaled Rahim, Advocate

...For the respondent No. 2

Mr. Tanim Khan, D.A.G. with

Mr. Md. Abdus Samad Azad, D.A.G.

Md. Abdul Jabbar Joel, A.A.G.

Mr. Sk. Naser Wahed (Shemon), A.A.G.

Mr. Ariful Alam, A.A.G and

Mr. Md. Fuad Hasan, A.A.G.

... For the respondents

Order dated: 04.03.2026

Present:

Justice Sardar Md. Rashed Jahangir

and

Justice Kazi Waliul Islam

Sardar Md. Rashed Jahangir, J:

This is an application for returning back of the Pay Orders and
Bank Challans deposited by the auction purchaser earlier on different
dates in the Court concerned.

Learned Advocate Mr. Ali Imam Khaled Rahim for the auction purchaser-respondent No. 2 submits that the auction purchaser was found higher bidder in the auction and the Artha Rin Adalat concerned accepted the bid directing the petitioner to deposit bid money together with poundage fees and in compliance of the direction, the auction purchaser-respondent deposited total bid money and poundage fees in Artha Jari Case No. 119 of 2012 of the Artha Rin Adalat, Dhaka, but due to litigations pending before the High Court Division, the Artha Rin Adalat concerned could not proceed further, of the jari concerned.

In the facts and circumstances, the auction purchaser sought for returning back the deposited pay orders and challans upon setting aside the auction purchase/bid acceptance order.

Earlier on 05.11.2024, this Court upon hearing an application under article 102 of the Constitution of the People's Republic of Bangladesh, challenging the order No. 11 dated 28.03.2013 passed by the Artha Rin Adalat No. 1, Dhaka in Artha Jari Case No. 119 of 2012 arising out of Artha Rin Suit No. 53 of 2011, issued Rule Nisi calling upon the respondents including the auction purchaser to show cause as to why the order of acceptance of auction bid at a shocking low price should not be set aside.

Ms. Tahmina Sahrin, learned Advocate appearing on behalf of Ms. Halima Ferdous, learned Advocate for the petitioner prays for making the Rule absolute upon setting aside the impugned order.

Heard learned Advocate for the respondent-applicant and learned Advocate for the petitioner.

The applicant deposited entire auction price amounting to Tk. 63,00,000.00 (sixty three lac) by pay order, which are as follows:

Date	Bank and Pay order Number	Amount
28.03.2013	Standard Bank P.O. No. 0777179	6,00,000/-
05.05.2025	Al Arafah Islami Bank P.O. No. 4660306	34,00,000/-
05.05.2025	Sonali Bank P.O. No. 1317005	16,00,000/-
05.05.2025	Standard Bank P.O. No. 2927606	3,00,000/-
05.05.2025	Standard Bank P.O. No. 2927607	3,70,000/-
	Total (sixty three lac)	63,00,000/-

To complete the auction process and for registering the sale certificate the applicant deposited several charges and taxes through Bangladesh Bank Challans amounting to Tk. 8,50,000/- and submitted original copies before the executing Court which are as follows:

Date	Description of Challans	Amount
03.04.2013	Poundage Fee	63,000/-
27.07.2025	Non-judicial Stamp	1,88,500/-
27.07.2025	Vat	4,72,500/-
27.08.2025	Source Tax	1,26,000/-
	Total (eight lac fifty thousand)	8,50,000/-

Considering the facts and circumstances, we are of the view that justice would be best served for now, if we direct the Artha Rin Adalat, First Court, Dhaka to return back the pay orders and Bank Challans

deposited on various dates to the auction purchased. The Rule is disposed of.

The order No. 11 dated 28.03.2013 passed by the Artha Rin Adalat, First Court, Dhaka in Artha Jari Case No. 119 of 2012 accepting the bid and related subsequent orders are hereby set-aside.

Learned Judge of the Artha Rin Adalat, First Court, Dhaka is hereby directed to return back the pay orders and other deposited amount in accordance with law within 30(thirty) days from the date of receipt of the order.

Kazi Waliul Islam, J:

I agree.