

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

Writ Petition No. 9316 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:

M/s. Integral Electric Company

... Petitioner

-Versus-

Bangladesh Bank and others

... Respondents

Mr. Md. Zahirul Islam, Advocate

... For the respondent No. 3

Judgment on: 20.02.2026

Present:

Mr. Justice Sardar Md. Rashed Jahangir

And

Mr. Justice Kazi Waliul Islam

Sardar Md. Rashed Jahangir, J:

On an application under article 102 of the Constitution of the People's
Republic of Bangladesh, Rule Nisi was issued on 15.07.2024 as follows:

“Let a Rule Nisi be issued calling upon respondent to
show cause as to why the impugned notice of auction,
scheduled to be held on 22.07.2024, published in the daily
‘Inqilab’ on 27.06.2024, under section 12(3) of the Artha Rin
Adalat Ain, 2003, as evidenced by Annexure-‘F’ should not be
declared to have been published without any lawful authority
and to be of no legal effect and/or such other or further order or
orders passed as to this Court may seem fit and proper.”

In the instant writ petition, the petitioner has challenged the publication
of the auction notice in the ‘Inqilab’ on 27.06.2024 purporting to be under

section 12(3) of the Artha Rin Adalat Ain, 2003 for selling the scheduled mortgaged property in auction on 22.07.2024. On 16.07.2024 the writ petition was sworn in and on 25.07.2024, this Court was pleased to issue Rule Nisi in tandem with an interim order of stay of all further proceedings of the auction pursuant to the notice with condition that the petitioner would pay Tk.10,00,000.00 (ten crore) to respondent No. 3 Bank as part payment of the total outstanding dues by 30.12.2024, failing which the order of stay shall stand recalled and vacated.

The respondent No.3 by filing an application has apprised this Court that the writ petitioner has failed to pay the amount as directed by this Court and as such the stay has been vacated. Learned Advocate for the respondent further submits that the property could not be sold in auction due to the order of stay of this Court and the scheduled date of the auction i.e. 22.07.2024 has expired in the meantime and as such the impugned auction notice published on 27.06.2024 in the 'Inqilab' purporting to be under section 12(3) of the Artha Rin Adalat Ain, 2003 has lost effectiveness and consequently the rule has become infructuous.

Considering the facts and circumstances of the case, the Rule is discharged as being infructuous.

No order as to cost.

The order of stay granted at the time of issuance of the Rule is hereby recalled.

Communicate the order at once.

Kazi Waliul Islam, J:

I agree.