

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.1994 of 2017**

1. Shiv Shakti Steel Pvt Ltd. Registered Office At 4, B D D Beag (East), Room No. 5(1st Floor), Stephen House, Kolkata West Bengal, Through Administrative Head Vipul Mali S/o Chhabilal Mali, Age 37 Years, R/o Village Chakradharpur, Hamirpur Road, Tahsil & District Raigarh, Chhattisgarh.
 2. Anand Saraf S/o Kailash Saraf Aged About 33 Years R/o Station Road, Barakar, Burdhan, District Burdhan, West Bengal.
 3. Dheeraj Matoliya S/o Mahesh Matoliya, Aged About 40 Years R/o 5, Shivkrishna Daw Lane, Kolkata, West Bengal.
 4. Pawan Kumar Agrawal S/o Baijnath Agrawal Aged About 47 Years R/o 140/ 4 B, N S C Bose Road, Teliganj, Kolkata, West Bengal.
 5. Ram Prasad Agrawal S/o Baijnath Agrawal Aged About 71 Years R/o 140/ 4 B, N S C Bose Road, Teliganj, Kolkata, West Bengal.
 6. Gourav Junjunwala S/o Ram Prasad Junjunwala Aged About 40 Years R/o 140/ 4 B, N S C Bose Road, Teliganj, Kolkata, West Bengal
- Petitioners

Versus

1. State Of Chhattisgarh Through District Magistrate/ Collector, Raigarh, District Raigarh, Chhattisgarh
2. State Bank Of India Through Chief Manager Cum CLO , Stressed Assets Management Branch, Nagaland House (8th Floor), 11 and 13, Sheakspear Saarini, Kolkata, West Bengal.

---- Respondents

For Petitioners	:	Mr.Sourabh Sharma, Advocate
For Respondent No.1	:	Mr.Gary Mukhopadhyay, Dy.G.A.
For Respondent No.2	:	Mr.P.R.Patankar, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

27/7/2017

1. Learned counsel appearing for the petitioners would submit that there is an interim order operating in favour of the petitioners granted by the Debt Recovery Tribunal, Kolkata restraining respondent No.2/Bank from taking any coercive steps against the petitioners and said order has been produced before the District Magistrate on 6.6.2017 along with an application. That application has been rejected by the District Magistrate, Raigarh by unreasoned and non-speaking order.

2. Learned State Counsel appearing for respondent No.1 would submit that affidavit has been filed by the District Magistrate as directed by this Court.
3. I have heard learned counsel appearing for the parties, considered their rival submissions made hereinabove and also gone through the record utmost circumspection.
4. The fact remains that copy of interim order granted by the Debt Recovery Tribunal, Kolkata was filed along with an application, which has been rejected by the District Magistrate without considering the said application and order of the DRT in its proper prospective.
5. Accordingly, the impugned order dated 6.6.2017 passed by the District Magistrate, Raigarh is set aside. The District Magistrate, Raigarh is directed to consider the petitioners application and order of the Debt Recovery Tribunal, Kolkata in its proper prospective and to pass a reasoned and speaking order within 10 days from the date of receipt/production of certified copy of this order.
6. With the aforesaid observation, the writ petition finally stands disposed off. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-