

24-12-2020  
ct no. 13  
Sl.38  
pk

**WPA 8736 of 2020**

M/s. Mukti Oil Mills Pvt. Ltd. & Ors.

**-Versus-**

The Baidyabati Sheoraphuli Co-operative Bank  
Limited & Ors.

**Mr. Uday Narayan Betal,  
Mr. Suman Saha,  
Mr. Joy Das**

**...for the petitioners**

**Mr. Srijan Nayak,  
Ms. Rituparna Maitra**

**... for the State.**

**Mr. Ankit Sureka**

**... for the Bank.**

The writ petitioners are aggrieved by a sale conducted by the Baidyabati Sheoraphuli Co-operative Bank Limited. The petitioners complain that the sale was not conducted in accordance with the rules. Their grievances are that since after the highest bidder was declared and the bank received a portion of the money, the balance sum was not paid by the buyer within the specified period under the Rules.

Mr. Ankit Sureka, learned advocate appearing for the Bank, submits that the dues of the borrower/petitioner are in excess of 17 crores. It is further submitted that there are about 12 loan accounts for which the sale was conducted.

Counsel for the petitioner denies the same and submits that the sale was conducted only in respect of one loan account.

Be that as it may, since the petitioners have an effective alternative remedy before the ARCS concerned in terms of the 2006 Act and the Rules framed thereunder, this Court is not inclined to entertain this writ petition. It further appears that this matter involves serious disputed questions of facts, which can only be dealt with by an authority constituted under the statute which has principle of natural justice inbuilt in them.

For the reasons stated above, the writ petition is dismissed.

If the writ petitioners approaches the ARCS concerned within a period of two weeks from date, the Registrar may take up the same expeditiously in accordance with law and relevant Rules and dispose of the same within three months from date.

No order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

**(Rajasekhar Mantha, J.)**