

16-12-2020
ct no. 13
Sl.23
pk

WPA 9273 of 2020

Kuntal Kumar Mahapatra
-Versus-
State of West Bengal & Ors.

Mr. S. Bandopadhyay,
Mr. S. Dutta,
Mr. T. S. Roy
....for the petitioner

Mr. Billwadal Bhattacharyya,
Mr. Anish Kumar Mukherjee
...for the respondent nos. 3 to 5.

Mr. Pradip Kumar Roy
Ms. Shraboni Sarkar
... for the State

The primary grievance of the writ petitioner is in respect of a notice under Section 13(2) of the SARFAESI Act, 2002 dated 01.01.2019 and a possession notice dated 9th September, 2020 under Section 13(4) thereof issued by the Contai Co-operative Bank Ltd.

Since the petitioner has an effective alternative remedy against the Bank before the Debt recovery Tribunal in terms of the decision of the Hon'ble Supreme Court in the case of **Panduram Ganpati Chaugule Vs. Vishwasrao Patil Murgad Sahakari Bank Limited reported in 2020 SCC Online SC page 431** particularly paragraph 102 (3)(a)(b) thereof, this Court need not entertain the instant writ petition.

However, the petitioner has tried to demonstrate certain discrepancies in the statement of dues. He shall be at liberty to approach the bank, which the bank may consider in accordance with law. The Bank may however proceed in accordance with law under the SARFAESI Act, 2002.

With the above observations, the writ petition is disposed of.

No order as to costs.

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

(Rajasekhar Mantha, J.)