

04.12.2020.
Item no. 41.
Court No.24
ap

W.P.A. 9359 of 2020

Dr. Samir Kumar Adhikari
Versus
United Bank of India & Ors.

Mr. Kamalesh Bhattacharya,
Mr. Ashoke Kumar Nath,
Mr. Aninda Bhattacharya.

...For the petitioner.

Mr. Pralay Kar.

...For the Bank.

The petitioner complains, the Bank is preventing the petitioner from removing his personal belongings from the immovable properties which the Bank took possession under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (said Act of 2002).

Learned advocate for the petitioner submits that there is a proceeding under Section 17 of the said Act of 2002 pending before the Kolkata Debts Recovery Tribunal No.III being S.A. No. 383 of 2019 filed by the petitioner. In such proceeding, the petitioner applied for interim relief to obtain an order granting permission to the petitioner to remove his personal belongings. Due to the pandemic, the Debts Recovery Tribunal is yet to take up such application.

Learned advocate for the Bank submits that the Debts Recovery Tribunal is taking up urgent

applications. He submits on instructions that the Bank does not object to the petitioner removing his personal belongings from the immovable property concerned.

In such circumstances, it would be appropriate to permit the petitioner to remove all his personal belongings from the immovable property in presence of the Authorized Officer of the Bank. The Authorized Officer will prepare an inventory of the Articles removed by the petitioner. The inventory will be signed both by the petitioner and the Authorized Officer.

It is expected that the entire exercise is completed within seven days from date.

W.P.A. No. 9359 of 2020 is disposed of accordingly.

There will be 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.

(Debangsu Basak, J.)