

ORDER SHEET

IA No. GA/1/2020
With
WPO/593/2019
In
APO/111/2020

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

M/S. RAJGARIA TIMBER PVT. LTD. & ORS.
Versus
STATE BANK OF INDIA & ORS.

BEFORE:

The Hon'ble JUSTICE I.P. MUKERJI

-And-

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 19th October, 2020.

Mr. Jishnu Saha, Sr. Adv.
Mr. Joy Saha, Sr. Adv.
Mr. Arik Banerjee, Adv.
Mr. Rajib Mallick, Adv.
Mr. Shaunak Ghosh, Adv.
Ms. Saheli Sen, Adv.
Ms. Sormi Dutta, Adv.
... for the appellants

Mr. Om Narayan Rai, Adv.
Mr. Pijush Kanti Ray, Adv.
... for the respondents

The appeal can be disposed of today, cutting short proceeding before this Court. Accordingly, we heard out the same dispensing with all formalities.

The facts of this case in a nutshell have been narrated in our earlier order dated 14th October, 2020. We think that the respondent bank, upon hearing the appellants, is in the best position to decide whether the appellants were entitled to 270 days' credit or credit for a lesser period. The bargain between the parties being commercial in nature, the bank will also be in a position to ascertain the creditworthiness of the appellants and also whether availment of a longer period of credit would have enabled them to repay the dues of the bank. Necessarily, the determination of these issues

will determine the decision of the bank whether to proceed against the appellants under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act') or to revoke its decision to do so.

Accordingly, we direct the Chief General Manager, State Bank of India, Eastern Region or the officer who is head of the respondent bank relating to commercial dealing in the Eastern Region to decide the issues raised in the writ petition, which include those stated above upon hearing the appellants and a representative of the bank, by a reasoned order within four weeks from the date of communication of this order.

The respondent bank will not take any further steps against the appellants under the SARFAESI Act till communication of the said decision and for a further period of two weeks therefrom to enable the appellants to approach a proper jurisdiction to challenge the said decision, if necessary.

The impugned judgement and order dated 25th September, 2020 is set aside.

The appeal and the connected applications are disposed of.

(I.P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)