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14.07.2021
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WPA No.3713 of 2021
(VIA VIDEO CONFERENCE)

Swernembhu Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Debasis Sur
Mr. A. K. Ghosh.
... for the petitioner.

Mr. Avishek Guha.
... for the Bank.

The petitioner assails action taken by the secured creditor in respect of a secured asset.

The Bank is represented.

In the facts of the present case, the Bank invoked the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) and sold a property belonging to the petitioner.

The petitioner having statutory alternative remedy available, no interference is called for by the Writ Court.

WPA 3713 of 2021 is disposed of accordingly without any order as to costs.

It is clarified that this Court did not enter into

the question of limitation of availing of the statutory remedy. This order will not construed to mean that the limitation for availing of the statutory remedy stands condoned by this Court.

(Debangsu Basak, J.)