

**DULICHAND AUTO SALES PVT. LIMITED &
ORS. VS. HDFC BANK LIMITED & ANR.**

Mr. Kamalesh Jha
Mr. Kausik Biswas
Mr. Arup Pal
Mr. S. Mukherjee
..for the petitioners
Mr. Siddhartha Banerjee
Ms. Soni Ojha
.for the opposite parties

This revisional application has been filed challenging an order dated February 4, 2021 passed by the learned Debts Recovery Tribunal-III, Kolkata in S.A. No.2 of 2019.

By the order impugned, the learned Tribunal had dismissed the application under Section 17 of the SARFAESI Act. The petitioners assailed the said order before this Court on the ground that the proceeding initiated by the Bank was not authorized by law and the learned Tribunal failed to take into account the said contentions. The order of the learned Tribunal is a reasoned one. The learned Tribunal assigned the reasons for dismissal of the application.

Thus, in my opinion, the application under Article 227 of the Constitution of India is not maintainable and there is an alternative forum

prescribed by statute by way of an appeal before the learned Appellate Tribunal.

It is informed that the learned Appellate Tribunal is sitting on a regular basis.

Under such circumstances, this revisional application is dismissed as not maintainable.

The petitioners are at liberty to approach the learned Appellate Tribunal within two weeks from date and in accordance with law. The petitioners are also at liberty to pray for interim order before the learned Appellate Tribunal.

There will be however no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis, if the same is applied for.

(Shampa Sarkar,J.)

