

14-06-2021

ct no. 13

Sl.25

pk/akd

**WPA 10243 of 2021
(Through Video Conference)**

**Vega Inn Restaurant & Hotel
Versus
The West Bengal State Financial Corporation and others**

Mr. Kaushik Prodhan

...for the petitioner

**Mr. Jishnu Chowdhury,
Mr. Abhijit Sarkar,
Mr. Aritra Basu**

... for the respondents.

Counsel for the petitioner submits that his client could not repay borrowed sums of money from the West Bengal Financial Corporation (WBFC) and proceedings were started under the provisions of the State Financial Corporation Act, 1951. The WBFC took possession of the assets charged to them some time in December 2017.

Counsel for the petitioner would argue before this Court that they had entered into some kind of settlement with the WBFC and certain sums of money have been paid. It is submitted that the valuation at which sale has been advertised by the respondent/ WBFC is inadequate.

This Court has considered the facts of the case and heard the counsel for the petitioner and the respondent. There are large number of

disputed questions of fact that cannot be gone into by the writ court under Article 226 of the Constitution of India. The State Financial Corporation Act, 1951, provides fora to deal with the disputes arising out of actions committed by the WBFC. Such remedies are efficacious.

In that view of the matter, the writ petition fails and is hereby dismissed.

It is, however, made clear that this Court had not entered into the merits of the claims of the parties and the petitioner may avail remedy before any other forum in accordance with law as may be available.

There will be no order as to costs.

All parties are directed to act on a server copy of this order.

(Rajasekhar Mantha, J.)