

01.07.2021.
Item no. 32.
Court No.13
ap

**W.P.A. No. 10769 of 2021
(Through Video Conference)**

**Shri Abhijit Koner @ Avijit Koner
Versus
The State of West Bengal & Ors.**

Mr. Pratip Mukherjee,
Mr. Sumalya Chakraborty,
Mr. Omar Faruk Gazi.

...For the petitioner.

Mr. Samrat Sen, Ld. A.A.G.,
Ms. Jhuma Chakraborty,
Md. Hasanuz Zanan.

..For the State.

Mr. Baidurya Ghosal,
Md. Hasanuzzaman.

...For the respondent nos.3 to 5.

Affidavit-of-service filed in Court today by the
Counsel for the petitioner be taken on record.

The writ petitioner is aggrieved by a sale
conducted by the Authorized Officer of the Paschim
Banga Gramin Bank under the provisions of the
Securitization and Reconstruction of Financial Assets
and Enforcement of Security Interest Act, 2002 (in
short SARFEASI Act, 2002).

Counsel for the petitioner submits that his
client had participated in the said auction process and
was declared as successful bidder and has put in 10%
of the bid amount. He further submits that the
property sold appears to be encumbered and such
information was not disclosed by the Bank prior to
sale.

This Court notes that any issue with regard to the sale of property under the SARFEASI Act, 2002 and the Rules framed thereunder must be agitated before the Debts Recovery Tribunal which is the chosen forum under the SARFEASI Act, 2002. In view of the availability of efficacious alternative remedy, this Court is not inclined to interfere with the issues raised in this writ petition.

In view of the above, the instant writ application must fail and is hereby dismissed.

Liberty, however, is reserved to the petitioner to approach the concerned Debts Recovery Tribunal to agitate his grievances, if so advised.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)