

04.10.2021

Sl. No.03

Mithun

Ct.No.08

IA No:CAN/1/2021

In

WP 11628 of 2021

(Via Video Conference)

Abhishek Chakraborty

Vs.

**Security and Exchange Board of India &
Ors.**

Mr. Kamalesh Bhattacharyya,
Mr.Anindya Bhattacharya,

... for the Petitioner

Mr. N.Srinivas,
Mrs.Swapna Nair,
Mr.Manoj Kumar Singh

...for respondent No.3/ State Bank of India.

Mr. Prasanta Dutt,
Mr.Susanta Kumar Dutta,
Mr.S.Banerjee

...for respondent No.1 & 2./SEBI.

The petitioner has sought for direction upon the respondent No.3, the State Bank of India to comply with the order dated 5th October, 2018 passed by the Recovery Officer, SEBI whereby and whereunder the petitioner was held to be entitled to half-share in the asset lying in locker No.76 and it is open for the petitioner to seek relief on his locker No. 76 with Behala Chowrasta Branch of State Bank of India, the respondent No. 3 herein in respect of his half-share of asset lying in the said locker No. 76 jointly held by the

petitioner with his father namely, Sambhu Chakraborty the respondent No. 5 herein, however, Recovery Officer further ordered that it was open for the claimant/appellant No. 3, the respondent No. 5 herein to appeal to approach the Recovery Officer, Eastern Regional Office of SEBI to seek release of half of asset therein but it also ordered that remaining half-share of assets shall continue to be under attachment.

Learned Advocate for the petitioner who submits that despite several request made to respondent No. 3 through Email, no action has been taken by the respondent No. 3.

Learned Advocate appearing for the respondent No.3 submits that there is no communication of the order dated 5th October, 2018 passed by the Recovery Officer and no copy of the writ application has been received at their end.

Affidavit of service has been filed and kept on record which reflects that service was effected, however, the petitioner is directed to serve a copy of the writ application with all annexures to the learned Advocate for the respondent No.3 at once.

Now, upon submission of the learned Advocate for the State Bank of India/respondent No.3, State Bank of India, the hearing is concluded. It is submitted that

respondent No. 3 is ready to comply with the order of Recovery Officer dated 5th October, 2018.

In the context of the above, the respondent No.3 is directed to act in terms of the order dated 5th October, 2018 passed by the Recovery Officer, SEBI/ RO-ERO/142, 143 & 144/2018. While executing the order, the respondent No. 3 the State Bank of India will make inventory of the articles kept in the locker No.76 in presence of the petitioner and the representative of the SEBI and whole of the exercise should be completed within a period of six week from the date of this order.

Accordingly, Writ petition being WPA 11628 of 2021 is disposed of.

No order as to cost.

All parties shall act in terms of copy this order downloaded from the official website of this Court.

(Shivakant Prasad J)