

13-08-2021
ct no. 13
Sl. 1 (suppl.)
Sp/sayandeep

W.P.A. 12780 of 2021

M/s Ganesh Bhandar
-Versus-

The State of West Bengal & Ors.
(Via Video Conference)

Mr. Pradyat Saha

...for the petitioner

Mr. Himadri Sikhar Chakraborty

....for the State

The writ petitioner is aggrieved by an order of the District Magistrate addressed to the authorized officer that possession of secured asset would be taken up to day at 2 P.M..

The petitioner had prior thereto moved the Debts Recovery Tribunal under Section 17 of the SERFAESI Act being SA No. 94 of 2018 which was dismissed for default on 18th September, 2019. The writ petitioner claims to have made substantial payment to the UCO Bank. The only document available is, a sum of Rs. 3 lakhs on 10th April, 2018. There is absolutely no proof of evidence that the said sum has been received by the Bank.

This Court sees no reason whatsoever to interfere with the possession being taken by the Bank.

The writ petitioner has not been able to demonstrate what he has been doing since January 2020 when he made an offer to UCO Bank for repaying the loan amount.

This matter was moved indicating extreme urgency with the leave of this Court today in the morning. This Court sees that the writ petitioner himself guilty of willful and deliberate delay and laches.

The writ petitioner has already availed a remedy before the Debts Recovery Tribunal under Section 17 which has since been dismissed. The impugned order therefore calls for no interference.

The writ petition must therefore fail and is hereby dismissed.

The Registry shall communicate this order to the UCO Bank respondents.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)