

07.10.2021.
Court No.13
Sl.1
pk

W.P.A. No. 17062 of 2021
Parbati Nandan & others
Versus
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Arindam Roy
...for the petitioners.

Mr. Raja Saha,
Mr. Shamim ul Bari,
..for the State.

The writ petitioners are aggrieved by order dated 4th October, 2021 passed by the Punjab National Bank proposing to take physical possession of the secured assets under the order of the District Magistrate, Murshidabad dated 19th June, 2021. The writ petitioners are borrowers running Jatadhari Rice Mill at Sijgram, Bharatpur, Murshidabad.

Counsel for the petitioners submits that well over Rs.5,65,00,000/- are due and payable to the petitioners and the same could not be paid because of COVID.

This Court notes that the physical possession of the asset has been taken under the provisions of the SARFAESI Act, 2002 and strictly in terms thereof.

There is no infirmity in the order passed by the Bank in taking possession of the secured assets.

In that view of the matter, this Court sees no reason to interfere with the actions of the Punjab National Bank against the petitioners. However, if the petitioners so choose, they may avail remedies under Section 17 of the SARFAESI Act, 2002 in accordance with law within the period of limitation prescribed therefor.

With the aforesaid observations, the writ petition is dismissed.

There shall be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)