

**MAT 1987 of 2016
With
CAN 1 of 2016 (Old CAN 12273 of 2016)**

**M/s. Gajanan Wires Private Limited
Vs.
State of West Bengal & Ors.
(Through Video Conference)**

None present for the appellant.

Record perused.

This appeal is pending since 2016. More than five years passed thereafter. The order of the learned Single Judge reveals that the District Magistrate had passed the order under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act on 7th September, 2016 at the instance of the bank and thereafter the appellant had approached the learned Single Judge with the plea that the portion of land was leased out in his favour in 2012.

Learned Single Judge has taken the view that once the order is passed by the District Magistrate under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act then he becomes functus officio and appellant has remedy of approaching the tribunal under section 17 of the Act.

The view taken by the learned Single Judge is in consonance with the judgement of the Supreme Court in

the matter of **United Bank of India Vs. Satyawati Tondon & Ors., 2010 (8) SCC 110.**

In view of this, we find no ground to interfere in the order of the learned Single Judge.

The appeal is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)