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ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/375/2021

ANUP KUMAR JANA AND ANR.
Versus
AXIS BANK LTD. AND ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 06th September, 2021.

Appearance :

Md. Mokaram Hossain , Adv.

Mr. Salauddin Ahamed, Adv.

Mr. Razzak Hossain, Adv.

Mr. S. Gayen, Adv.

Mr. Sandipan Maity, Adv.

... for the petitioner .

Ms. Samprita Biswas Chatterjee , Adv.

Ms. Punam Choudhury , Adv.

... for the respondent.

The Court: The writ petitioner is aggrieved by notice dated 2nd April, 2021 issued on behalf of the Axis Bank Limited for repayment of a sum of Rs.31,58,538.68/-. The bank has not initiated any proceedings as yet. The writ petition is premature.

Counsel for the petitioner, however, submits that there is an arbitration clause in the loan agreement with the bank and the bank is obliged to invoke the provisions of the Arbitration and Conciliation Act, 1996 and cannot institute any proceedings under the SARFAESI Act, 2002 or the Recovery of Debts And Bankruptcy Act, 1993.

Since the bank has not yet taken any steps the writ petition is premature and the petitioner may agitate his grievances in accordance with law.

The writ petition therefore stands dismissed.

(RAJASEKHAR MANTHA, J.)

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