

07.02.2022
Court No.13
Item No.29
AP

WPA 482 of 2022

**Ashoke Dutta @ Ashok Dutta
Vs.
The Authorized Officer, UCO Bank and Ors.**

(Through Video Conference)

Mr. Kaushik Chandra Gupta
... For the Petitioner.

Mr. Sirsanya Bandopadhyay
Mr. Subhendu Sengupta
... For the State.

Mr. Raghunath Ghose
Ms. Sevanti Roy
... For the Respondent Bank.

Mr. Bhaskar Sengupta
... For the Union of India.

The writ petitioner is aggrieved by the fact that the bank has notwithstanding pendency of a S.A. 65 of 2016 and two earlier notices under Sections 13(2) and 13(4) of the SARFAESI Act, 2002 has obtained orders under Section 14 of the SARFAESI Act, 2002 from the Office of the District Magistrate.

It is submitted that at the time this writ petition was filed, the Debts Recovery Tribunal No.-I was without presiding officer. The charge of the Debts Recovery Tribunal No.-I was not available with any other Debts Recovery Tribunals. It now appears that the charge of the matters before the Debts Recovery Tribunal No.-I has been given to Debts Recovery Tribunal No.-III at Kolkata.

The writ petitioner may move the said S.A. 65 of 2016 and file appropriate interim applications thereunder. The writ petitioner is already enjoying interim order dated 26th November, 2019 against the confirmation of any sale of the secured assets.

With the aforesaid observations, the writ petition is disposed of.

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.)