

14.02.2022.
Court No.13
Item No. 22
ap

**W.P.A. No. 493 of 2022
(Through Video Conference)**

**Aditya Birla Finance Limited
Versus
Commissioner of Police, Kolkata & Ors.**

Mr. Sagar Bandhopadhyay,
Mr. Amit Kumar Nag,
Mr. Soumava Mukherjee,
Mr. Ranjabati Ray.

...For the petitioner.

Mr. Amitesh Banerjee,
Mr. Suddhadev Adak.

..For the State.

Mr. Debabrata Basu Roy,
Mr. Ayan Kumar Boral,
Ms. Bishalaxmi Ghosh.

...For the intervenor.

The writ petitioner is a Non-Banking Financial Company is aggrieved by the fact that the Haridevpur Police Station has not rendered assistance in complying with the order dated 29th December, 2020 passed by the District Magistrate, South 24 Parganas under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short SARFEASI Act, 2002).

Counsel for the State submits that the police shall render all assistance as directed by the District Magistrate, South 24 Parganas.

In that view of the matter, the Officer-in-charge, Haridevpur Police Station shall communicate to the petitioner the actual costs of rendering the police assistance within a period of ten days from date.

The process of taking possession of the secured assets and handing it over to the petitioner shall be completed within one month from date subject to complying with all formalities and payments.

Mr. Debabrata Basu Roy seeks to intervene in the matter on behalf of the developer/promoter of the property in question.

It is submitted that the original borrower has also cheated his client.

This Court, prima facie, notes that the intevenor is an unsecured creditor and even otherwise has no role to play in the proceedings under Section 14 of the SARFEASI Act, 2002.

In view of the above, the instant writ petition shall stand disposed of.

There will 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.)