

28.03.2022.
Item No. 25.
Court No.13
pk

**W.P.A. No. 4702 of 2022
(Through Video Conference)**

Rajnish Infrastructure Private Ltd.
Vs.
State Bank of India and others

Mr. S. Ganguly,
Mr. Tanay Agarwal,
Mr. T. Nandy,
Ms. S. Baid

.... for the petitioner.

Mr. Om Narayan Rai
... for the State Bank of India.

The writ petitioner challenges an order under Sub Rule 5 of Rule 9 of the Security Interest (Enforcement) Rules, 2002, issued by the Respondent Bank. It is submitted that an appeal being SA 9 of 2015 is pending before the Debts Recovery Appellate Tribunal. It is also submitted that Appeal no. 85 of 2017 is also pending before the Debts Recovery Appellate Tribunal on the self same subject matter.

The writ petition is disposed of, granting liberty to the petitioner to pursue remedies under the aforementioned statute in the pending proceedings already filed.

It is made clear that this Court has not gone into the merits of claim and counter claim of the parties and the Tribunals shall be entitled to proceed in accordance with law.

Since counsel for the petitioner has requested for expeditious disposal of the appeal, the Debts Recovery Appellate Tribunal is requested to dispose of the pending aforesaid appeals as expeditiously as possible, preferably within a period of four months from the date of communication of a copy of this order.

There will be no order as to costs.

(Rajasekhar Mantha, J.)