

29.06.2022
Ct. 5
D/L 16
ab

WPA 11311 of 2022

Besco Ltd. & Anr.
-Vs-
Indian Bank & Ors.

Mr. Suddhasatya Banerjee,
Mr. Rajib Mallick,
Mr. Rakesh Sarkar,
Mr. Shawat Nayak

... for the petitioners

Mr. Shiv Mangal Singh,
Ms. Jahan Ara Khatun

... for the Bank

Learned counsel appearing for the petitioners seeks to withdraw the writ petition on the ground that the suit for declaration of tenancy is pending before the learned City Civil Court, Kolkata. It is also submitted that the borrower has filed an application under Section 17 of The SARFAESI Act, 2002 before the D.R.T.-III and that there is cease-work in D.R.T.-III.

Learned counsel appearing for the Bank points to the limitation of 45 days under Section 17 of The 2002 Act.

Without going into the merits of the case, WPA 11711 of 2022 is dismissed as withdrawn.

Interim orders, if any, stand vacated and all the connected applications are disposed of.

The petitioners shall have the liberty of taking all points before the D.R.T. and the D.R.T. shall consider such points in accordance with law in particular under the provisions of The SARFAESI Act, 2002. The Bank likewise shall also have the liberty to take all points with regard to the subject matter of the dispute.

(Moushumi Bhattacharya, J.)