

July 6, 2022  
Sl. No.23  
Court No.1  
s.biswas

RVW 114 of 2022  
With  
CAN 2 of 2022  
*Arpita Debnath and another*  
*vs.*  
*UCO Bank and others*

*In*

*FMA 1186 of 2021*  
*Arpita Debnath and another*  
*vs.*  
*UCO Bank and others*

|                                                                |                                  |
|----------------------------------------------------------------|----------------------------------|
| Mr. Jaydip Basu, Advocate                                      | ...for the applicant             |
| Mr. S. P. Choudhuri,<br>Ms. Diya Nandi, Advocates              |                                  |
|                                                                | ... for the respondent Nos.1 & 2 |
| Mr. Himadri Sekhar Chakroborty,<br>Ms. Susnita Saha, Advocates | ... for the State                |

By this petition the petitioners are seeking review of the order dated 08.06.2022 whereby FMA 1186 of 2021 filed by the appellants was dismissed by this Court.

Submission of learned counsel for the petitioner is that the petitioner had filed an application being I.A. No.70 of 2019 in connection with S.A. No.158 of 2016 before the Debts Recovery Tribunal challenging the order under Section 14 of the SARFAESI Act, therefore the observation of this Court that the said order was not challenged by the appellants is incorrect.

We have heard the learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner is not in a position to point out if any plea was taken or material placed on

record at the stage of decision of writ petition revealing that order under Section 14 of the SARFAESI Act was challenged by the petitioner before any forum or Court.

Even otherwise, deletion of observation made in this regard in the order passed by this Court will not effect the nature and correctness of the order passed by this Court, therefore there is no error apparent on the face of record.

So far as the submission of learned counsel for the appellants that the observation of this Court in this regard will affect their right to prosecute the pending appeal, learned counsel for the respondents has fairly stated that they have no objection if this Court clarifies the issue.

Hence, we clarify that the order dated 08.06.2022 passed by this Court will not affect the right of the petitioner to prosecute the remedy of appeal against the order under Section 14 of the SARFAESI Act.

The review petition and the connected application being CAN 2 of 2022 are accordingly disposed of.

**[Prakash Shrivastava, C.J.]**

**[Rajarshi Bharadwaj, J.]**