

13.07.2022
sayandeep
Sl. No. 14
Ct. No. 05

WPA 15025 of 2022

MD. Moinuddin
-Versus-
Punjab National Bank & Ors.

Mr. Subhankar Nag
Mr. Avishek Guha
..... for the petitioner
Mrs. Parna Roy Chowdhury
....for the Bank

Although the petitioner's case is that the petitioner is not aggrieved by any action taken by the Bank, the first prayer in the writ petition is for quashing the sale notice issued by the Bank dated 11.06.2022. The petitioner's case, in brief, is that the petitioner has no connection with the proforma respondent/borrower and entered into a job contract with the borrower only for the purpose of keeping the petitioner's raw materials and finished products in the borrower's factory. Learned counsel submits that the notice of physical possession was issued by the Bank on 02.06.2022 followed by a sale notice of 11.06.2022. Counsel submits that the only relief sought for is for a direction on the Bank to return the raw materials and finished goods belonging to the petitioner which are presently lying in the borrower's factory premises.

Learned counsel for the Bank submits that the Bank does not propose to take possession of any raw materials or products which do not belong to the borrower. Counsel submits that this would also be evident from a document before the District Magistrate, South 24 Parganas which includes an inventory of the materials which were found by the Bank inside the borrower's factory premises.

After hearing learned counsel, this Court is of the view that the recording of the Bank's possession would offer sufficient protection to the petitioner. Since the petitioner has specifically stated that he is not aggrieved either by the notice of possession or the sale notice, there is no requirement to go into the actions taken by the Bank under the SARFAESI Act, 2002.

WPA 15025 of 2022 is disposed of in accordance with the above.

On the request of the counsel appearing for the petitioner as well as the Bank, the petitioner and the Bank shall be at liberty to conduct a joint inspection of the material which is presently lying or found to be lying in the borrower's factory and for segregation of the same. If it is found that the petitioner's materials are part of the goods, the Bank

shall supervise and return the said material to the petitioner.

(Moushumi Bhattacharya, J.)