

**24.8.2022**  
**Sl.No.170**  
**sn**

**WPA 15024 of 2022**

**State Bank of India**  
**Versus**  
**The State of West Bengal & Ors.**

**Mr. Pijush Kanti Ray**  
**Mr. S. Mukherjee**  
**..for the petitioner**

**Mr. Moloy Singh**  
**Mr. Bibekananda Tripathy**  
**..for the State**

**Mr. Shamba Chakraborty**  
**Mr. Triptimoy Talukdar**  
**Mr. D. Talukdar** **..for the respdts.7-9**

The police authorities have already issued a quotation indicating the police cost payable by the bank. Such cost is for the police assistance required to implement the order of the District Magistrate, passed under Section 14 of the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (hereinafter referred to as the said Act).

It is contended by the petitioner that the petitioner had already deposited the cost on August 8, 2022.

Learned advocate for the borrowers submits that a challenge to the said order passed under Section 14 of the said Act has been made by filing a writ petition before this Court, as the learned Tribunal is not functioning. It is further submitted that SA 589 of 2013 subsequently renumbered as

TSA 1041 of 2016 is pending against the SARFAESI proceedings initiated by the bank. Admittedly, the borrowers have not been favoured with any order of stay or injunction in respect of the property in question. The bank has taken steps as per law for taking possession of the property which was declared as a non-performing asset. It is submitted by the borrowers that even in 2022, the bank had issued a notice with regard to one time settlement of the loan account of the petitioner.

Unless the order passed under Section 14 of the SARFAESI Act is either stayed or set aside by the competent court or the High Court within a period of three months from the date of communication of this order, the police authorities shall comply with the order of the learned District Magistrate on the basis of the costs paid by the petitioner.

This order shall not prevent the parties from continuing with the talks of settlement.

The writ petition is disposed of

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**