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18.01.2022
Ct No.13
TN

WPA No.17109 of 2021

M/s Bengal Industrial Corporation
Vs.
The Union of India and others

(Via Video Conference)

Mr. Rwitendra Banerjee,
Mr. Arindam Chattopadhyay

.... for the petitioner

Mr. Sumit Mitra

.... for the Union of India

Mr. Anirban Pramanick

.... for the respondent nos.5 and 6

The writ petitioner is aggrieved by the non-consideration of his complaint by the Banking Ombudsman under the Banking Ombudsman Scheme.

The petitioner's grievance is that the City Union Bank, from whom the petitioner was enjoying the loan facilities, did not consider his application for enhancement and/or renewal thereof. Instead, the said Bank has initiated proceedings under the SARFAESI Act, 2002 and notices under Sections 13(2) and 13(4) have been issued. The petitioner has already challenged the aforesaid under Section 17 of the

SARFAESI Act, 2002 before the Debts Recovery Tribunal, Kolkata.

In the light of the above fact, this Court is of the view that the Banking Ombudsman has nothing further to do in the matter and the petitioner may agitate his grievances against the City Union Bank before the Debts Recovery Tribunal in this pending application under Section 17 the Bank is yet to be served with the said proceedings.

Since the respondents have not used affidavit-in-opposition, none of the allegations in the writ petition shall be deemed to have been admitted by them.

In view of the above, the writ petition shall stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)