

Ct. 05
Item No.21
29.07.2022
(suvendu)

WPA 16937 of 2022

**M/s Banik Boutique
Vs.
The Authorized Officer,
Punjab National Bank & Anr.**

Mr. Kaushik Chandra
Mr. Kushal Das
Ms. Rajyashree Mukherjee
Ms. Arpita Das

.....for the petitioner

Ms. Samapti Roy

.....for the respondent no. 1

The petitioner had attempted to move this writ petition yesterday against a Notice of Sale dated 04.07.2022 which was to be given effect to yesterday i.e. on 28.07.2022. However, by reason of a Resolution taken by the Bar, this matter could not be considered by the Court. Counsel were asked to appear today.

The Bank meanwhile gave effect to the Notice of Sale and proceeded to take steps.

It is submitted on behalf of the Bank that sale has already taken place yesterday, i.e. on 28th July, 2022.

The Bank is a party to the writ petition and was aware of the matter being moved yesterday. Counsel was also present on behalf of the Bank.

The petitioner has also filed an application before the DRT –III challenging the Notice of Sale of 04.07.2022 to be given effect to 28.07.2022. The DRT –III however is not functioning by reason of the Members demitting office on 15th July, 2022. The petitioner hence does not have any alternative remedy available to it under the SARFAESI Act, 2002. The petitioner is hence entitled to interim relief. The Bank is therefore restrained from taking any further steps in respect of the Notice of Sale dated 04.07.2022 until the DRT –III hears the matter or the pending application filed by the petitioner is assigned to any other Bench of the DRT. The Bank will be at liberty to expedite the proceedings before the DRT.

WPA 16937 of 2022 is disposed of in terms of the above.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)