

Ct. 05
Item No.16
03.08.2022
(suvendu)

WPA 17387 of 2022

Sekhar Chandra Dey & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Syamal Kumar Das
Mr. Anindya Ghosh
Mr. Sekhar Mukherjee
Mr. Anindya Mukherjee
Ms. K. Yadav

.....for the petitioners

Mr. Nilotpall Chatterjee
Mr. Amrit Lal Chatterjee

.....for the State

Mr. Baidurya Ghosal
Ms. A. Dutta

.....for the respondent nos. 3-5

The affidavit of service is taken on record.

The petitioners pray for relief against a sale of the petitioners' secured asset by the Bank. The reason given for filing the present application before the writ court is that the DRT –II has ceased to function from the end of July, 2022.

After hearing learned counsel appearing for the Bank and perusing the three orders passed by the DRT, it appears that the petitioners filed SA 14 of 2018 against a 13(4) Notice under the SARFAESI Act, 2002 but failed to represent themselves from 30.03.2021 onwards. The orders dated 30.03.2021, 22.03.2022 and 18.05.2022

indicate that the petitioners were not present on any of these dates and the SA was finally dismissed for default on 18.05.2022. The petitioners thereafter filed a new application on 05.07.2022 before the DRT –II against the sale of the asset which had already taken place in the end of 2021 and the Sale Certificate was executed in favour of the buyer on 16.07.2022. The petitioners have shown lack of diligence on their part in pursuing the application filed before the DRT. The petitioners have also come at a belated stage for staying the process of sale.

It may also be noted that the application filed before the DRT does not mention any particulars of the impugned action or document with the specific date. It should also be noted that the DRT –II was functioning till the end of July, 2022 and the petitioners therefore had ample opportunity to approach the DRT for appropriate relief.

This Court is hence not inclined to interfere with the said proceedings. The petitioners shall be at liberty of approaching the DRAT for expediting the application or having the same assigned before another Bench.

WPA 17387 of 2022 is dismissed without any order as to costs.

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

(Moushumi Bhattacharya, J.)