

Ct. 05
Item No.17
03.08.2022
(suvendu)

WPA 17412 of 2022

**M/S. Paulco Distributors
Private Limited & Ors.
Vs.
State of West Bengal & Ors.**

Mr. Mitul Chakraborty
.....for the petitioners

Ms. Reshmi Ghosh
Mr. Amar Singh
Ms. Pooja Sett
Mr. Suman Chakraborty
.....for the respondent no. 5 & 6

The affidavit of service is taken on record.

The petitioners pray for relief with reference to an order passed by the District Magistrate, Howrah under Section 14 of the SARFAESI Act, 2002.

The case of the petitioners is that the petitioners were communicated the impugned order much later and filed an appropriate application before the DRT -III. The orders handed up by learned counsel appearing for the Bank indicate that on 27.01.2022, the petitioners sought for time and on 10.02.2022, the respondent-Bank sought for one week time to file its affidavit-in-opposition to the application of the

petitioners. The order of 10.02.2022 also recorded that the petitioners were in possession of the property as on that date.

Admittedly, the DRT –III, where the petitioners filed the application against the order of the District Magistrate, did not take up the matter after February, 2022 and went into ceasework. The Member thereafter demitted the office on 15th July, 2022. The petitioners are still in possession of the property and counsel submits that the petitioners have also paid some amounts to the Bank.

After hearing learned counsel appearing for the parties, this Court does not want to get into the merits of the case since the petitioners' application is already pending before the DRT –III. However, since the DRT –III is not functioning since June, 2022, the petitioners are entitled to a limited measure of protection.

The Bank is directed not to act in terms of the Section 14 order of the District Magistrate until the petitioners' pending application is assigned to a different Bench of the DRT or the parties take steps before the DRAT for appropriate assignment of the same. The Bank is also at liberty to take steps for expediting the matter in the DRT.

WPA 17412 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.)