

11-02-2022
ct no. 13
Sl.33
sp

WPA 17996 of 2021
Sri Shibnath Mondal & Anr.
Versus
The Reserve Bank of India & Ors.
(Via Video Conference)

Mr. Siddhartha Banerjee,
Ms. T. Bandyopadhyay,
Mr. Soumajit Majumder

...for the petitioners

Ms. Reshmi Ghosh,
Ms. Tutul Das Singh,
Mr. Amar Singh

...for the respondent nos. 2 & 3

Affidavit of service filed in Court today is taken on record.

The writ petitioners are aggrieved that a representation dated September 20, 2021 addressed to the Bank for consideration of the circular, rules and other guidelines of the Reserve Bank of India, has not been considered.

Counsel for the Bank submits that notice under Section 13(2) and Section 13(4) of the SARFAESI Act, 2002 have already been issued under the SARFAESI Act, 2002 symbolic possession had been taken under the Section 13(4) of the said Act.

This Court is of the view that the remedy of the petitioners is before the Debt Recovery Tribunal under Section 17 thereof since notice under Section 13(4) of the SARFAESI Act had already been issued.

If the petitioners are entitled to file such application in terms of the provisions of the Act of 2002, the petitioners may avail such remedy in accordance with law.

With the aforesaid observations, the writ petition is disposed of.

The petitioners shall be free to agitate this issue raised in the instant writ petition before the Debt Recovery Tribunal, if occasion arises.

There shall 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.)