

11.08.2022
Ct. 5
D/L 12
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WPA 17628 of 2022

M/S Rare Care & Ors.

-Vs-

The District Magistrate, South 24 Parganas & Ors.

Mr. Sandip Chakraborty,
Mr. Suman Saha,
Mr. Kaustav Das,
Mr. Soumadip Saha

... for the petitioners

The affidavit of service is taken on record.

This matter was taken up yesterday and the learned counsel for the petitioners was directed to produce the relevant Table showing that the DRT-3 has jurisdiction over the matter.

The Table produced today in Court shows that the DRT-3 has jurisdiction over South 24 Parganas.

Learned counsel appearing for the petitioners submits that the petitioners' assets are located in South 24 Parganas under Bishnupur Police Station.

The petitioners pray for restraint on the respondent Bank from executing the order passed by the District Magistrate, South 24 Parganas under The SARFAESI Act, 2002 on 27th April, 2022. The petitioners also filed an application before the DRT-3 on 2nd August, 2022 against the order passed by the

District Magistrate, admittedly the DRT-3 is not functioning since June, 2022 and continues to remain in the same state. The petitioners hence cannot be without remedy for non-functioning of the statutory forum available to them under The SARFAESI Act, 2002.

The respondent Bank is hence restrained from acting in terms of the order dated 27th April, 2022 passed by the District Magistrate, South 24 Parganas, until the DRT-3 starts functioning or the pending application of the petitioners is assigned before any other Bench of the DRT. The respondent Bank is given liberty to take steps for expediting the proceedings before the DRT.

WPA 17628 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)