

Ct. 05
Item No.18
11.08.2022
(suvendu)

WPA 18064 of 2022

**Sri Soumendranath Das & Anr.
Vs.
State Bank of India & Anr.**

Mr. Ranjan Kali
Mr. Mitul Chakraborty
Ms. Anindita Maity
Ms. Mili Saha
.....for the petitioners

Mr. Pankaj Kumar Mukherjee
.....for the SBI

The affidavit of service filed on behalf of the petitioners is taken on record.

The petitioners claim relief against a Sale Notice dated 4th July, 2022. The petitioners have also filed an application before the DRT –III.

Admittedly, the DRT –III is not functioning since June, 2022. The prayers in the application before the DRT indicate that the petitioners sought for relief in respect of the Sale Notice of 4th July, 2022.

The contention of the respondent Bank is not acceptable. Since the petitioners' statutory remedy is under the SARFAESI Act, 2002, the fact that the petitioners could have approached the DRT is required to be tested.

However, the petitioners in the meantime are entitled to interim protection. The respondent Bank shall be restrained from giving any further effect to the Sale Notice of 4th July, 2022 until the DRT –III resumes its function or the pending application of the petitioners is assigned to any other Bench of the DRT.

The petitioners are also directed to take appropriate steps for assigning the pending application before any other Bench of the DRT failing which the interim order shall be vacated at the instance of the Bank.

The Bank is given liberty of expediting the proceedings before the DRT.

WPA 18064 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.)