

12.08.2022
Ct. 5
D/L 16
ab

WPA 18150 of 2022

M/S. J. S. Pharmaceuticals & Anr.

-Vs-

Union of India & Ors.

Mr. Siddhartha Banerjee,
Mr. Subhankar Das,
Mr. Bikram Sarkar

... for the petitioners

Mr. Pradyat Saha

... for the Union of India

Mr. Dipanjan Datta,
Ms. Sukanya Datta

... for the respondent Bank

The affidavit of service is taken on record.

The petitioners seek relief against an order passed by the District Magistrate, South 24 Parganas under Section 14 of The SARFAESI Act, 2002 on 8th April, 2022. The petitioners applied before the DRT-3 on 4th July, 2022 seeking protection.

Learned counsel appearing for the petitioners submits that the DRT-3 is however not functioning since June, 2022 and continues to remain in that state of affairs as on date. It is also submitted that the property in question lies within the jurisdiction of the DRT-3.

The respondent Bank is represented.

Learned counsel appearing for the respondent Bank submits that the petitioners have merged several causes of action in the writ petition and also submits that the suit is pending between the parties before Alipore Court.

However, on the admitted fact that the DRT-3 is not functioning as on date, the petitioners cannot be without a remedy. The respondent Bank is hence restrained from taking further steps pursuant to the order dated 8th April, 2022 passed by the District Magistrate, South 24 Parganas until the DRT-3 resumes its functions or the matter 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. The petitioners are further directed to take appropriate steps under Section 17-A(2) of The Recovery of Debts and Bankruptcy Act, 1993, in the meantime.

WPA 18150 of 2022 is disposed of in terms of the above.

Since affidavits have not been called for, allegations made in the writ petition are deemed not to have been admitted.

(Moushumi Bhattacharya, J.)