

5th September, 2022
(D/L No.17)
(SKB)

W.P.A. 18963 of 2022

Sreemanta Kumar and another
Versus
Union of India and others

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Badrul Karim ... for the petitioners.

Mr. Ratul Bhattacharjee,
Mr. Rudradev Bagchi ... for the Bank.

Mr. Amitesh Banerjee,
Mr. Tarak Karan
... for the State.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali
... for the Bally Municipality.

The petitioners seek relief against the possession of the concerned property taken by the respondent Bank. The petitioners claim to be the owners of the property and not the borrower. The petitioners also claim that they have no nexus with the respondent Bank.

After hearing learned counsel, it appears that the 45 days limit under Section 17(1) of the SARFAESI Act, 2002 expired only yesterday.

Since the petitioners have a statutory forum available to them under the SARFAESI Act, 2002, the petitioners are given liberty to approach the said forum within 9th September, 2022. The respondent Bank shall refrain from taking any further action until 12th September, 2022.

W.P.A.18963 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)