

02.09.2022
sayandeep
Sl. No. 07
Ct. No. 05

WPA 19222 of 2022

Basudev Dutta & Anr.
-Versus-
State of West Bengal & Ors.

Mr. Ranjan Kali
Ms. Mili Saha
Ms. Mitul Chakraborty
.....for the petitioners
Mrs. Jhuma Chakraborty
Ms. Aritra Ghosh
.....for the State
Ms. Deblina Lahiri
.....for the respondent Nos. 4 & 5

The petitioners seek relief against a Notice passed by the District Magistrate on 24th June, 2022 under Section 14 of the Securitisation Act, 2002. It is undisputed that the petitioners approached the DRT-II in the last week of June, 2022 for seeking relief from the forum. However, the DRT-II ceased to function from end of July/ beginning of August, 2022. Now, the present status is that the matters of DRT-II are to be taken up by Siliguri Bench although litigants have not been formally given leave to appear virtually before such Bench.

It is also an admitted fact that the respondent Bank has taken steps for possession of the petitioner's assets in the last week of August, 2022.

Taking all the factors into consideration, an important fact that the application of the petitioner was pending before DRT-II when the Bank proceeded to take

steps in respect of the impugned Notice, this Court is of the view that the petitioners are entitled to a limited interim protection.

The Bank is restrained from taking any further steps in terms of the impugned Notice until one week after the application filed by the petitioners is taken up for hearing by the appropriate Bench of the DRT. The Bank shall have liberty of taking steps to expedite the pending proceedings before DRT and the petitioners shall not seek any adjournment in the proceedings.

It is made clear that this Court has not gone into the merits of the matter.

WPA 19222 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)