

29th September, 2022
(D/L No.10)
(SKB)

W.P.A. 19931 of 2022

M/s. Arup Kumar Patra and another
-Versus-
The Authorized Officer, Canara Bank and others

Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani
... for the petitioners.

Mr. Subir Banerjee,
Mr. Sayak Mitra
... for respondent nos.1 & 2.

The petitioners complain of an order dated 29th June, 2022 of the District Magistrate, South 24 Parganas under Section 14 of the SARFAESI Act, 2002 which the petitioners received on 28th July, 2022. The petitioners took out an application soon thereafter before the DRT-3 on 11th August, 2022.

Learned counsel appearing for the petitioners submits that although DRT-3 is taking up the matters serially by way of put up applications, there is no chance of DRT-1 (which is presently in-charge of DRT-3 matters) taking up the matter before 30th September, 2022. Counsel submits that the DRT will thereafter be on vacation until 16th October, 2022.

The Bank is represented and learned counsel submits that the petitioner was aware of the order of the District Magistrate under Section 14(2) of the SARFAESI Act.

Considering the peculiar circumstances in which the petitioners may face immediate action pursuant to the order of the District Magistrate without getting a chance of presenting their case in the pending applications before the DRT, there shall be an immediate protection in favour of the petitioners until 21st October, 2022 i.e. five days after the DRT is set to open after the Puja Vacation.

The Bank is given liberty of taking steps to expedite the hearing of the pending application.

W.P.A.19931 of 2022 is accordingly disposed of in terms of the above.

(Moushumi Bhattacharya, J.)