

25.11.2022
sayandeep
Sl. No. 02
Ct. No. 05

WPA 22365 of 2022

Amit Jhunhunwala
-Versus-
State of West Bengal & Ors.

Mr. Soumen Kr. Roy
Mr. Samar Banik
..... for the petitioner

Mr. Nilotpall Chatterjee
Mr. Amrita Lal Chatterjee
.....for the State

Ms. Sutapa Sanyal
Mr. Triptimoy Talukder
Ms. Purbali Dutta
Mr. Diptomoy Talukder
.....for the respondent No. 8

The petitioner has challenged an order passed by the District Magistrate on 16th June, 2022 whereby the secured creditor was directed to intimate the date of possession of the secured assets to the Commissioner of Police, Kolkata. The petitioner seeks protection with regard to this order.

The admitted facts however show that the petitioner filed an application before the DRT-III in 2022 being SA 55 of 2022 which is pending. The petitioner has not challenged the order of the D.M. by way of any application before the DRT in the pending proceedings. The endorsement shows that the impugned order of D.M. dated 16th June, 2022 was served on the petitioner on 31st July, 2022. Therefore, the petitioner

had enough opportunity to challenge the order before the DRT between July and November.

In the last order passed by the DRT on 20th June, 2022 whereby the matter has been posted on 28th March, 2023, the petitioner was not present and the order records that.

This Court is hence not inclined to interfere in the matter. The petitioner shall be at liberty of taking steps before the DRT against the order of the D.M., if the petitioner is so advised.

WPA 22365 of 2022 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)