

14.12.2022
Ct. 5
D/L 36
ab

WPA 24716 of 2022

Anjana De & Ors.

-Vs-

Chief Manager, Punjab National Bank & Ors.

Mr. Kamalesh Bhattacharyya,
Mr. Aninda Bhattacharyya

... for the petitioners

Mr. Abhishek Banerjee

... for the respondent Bank

Mr. Debasish Ghosh,
Mr. Piyali Sengupta

... for the State

The petitioners seek cancellation of a Notice dated 30th September, 2022 issued under Section 13(4) of The SARFAESI Act, 2002 read with Rule 8(6) of The Security Interest (Enforcement) Rules, 2002.

Learned counsel appearing for the petitioners relies on an order passed by a coordinate Bench in an earlier writ petition whereby an order dated 30th November, 2018 passed by the District Magistrate, Paschim Midnapore, was set aside.

Since this Court is of the view that the petitioners have statutory remedy available to them under Section 17(1) of The SARFAESI Act, 2002, the petitioners shall file an appropriate application before the Debts

Recovery Tribunal (DRT). The writ petition contains no averment as to when the impugned Notice dated 30th September, 2022 under Section 13(4) of The SARFAESI Act, 2002 was received by the petitioners. Counsel makes an oral submission that the petitioners did not receive the said Notice.

WPA 24716 of 2022 is disposed of with liberty to the petitioners to approach the DRT within 23rd December, 2022. The respondent Bank shall not take any action against the petitioners until the matter is taken up for consideration by the DRT.

(Moushumi Bhattacharya, J.)