

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

08.08.2022
Item No26
Court No. 01
Aloke

**MAT 29 of 2022
With
CAN 1 of 2022**

Nilesh Agarwal
Versus
State Bank of India & Ors.

Mr. Niloy Chakraborty
Mr. Aditya Seal
...for the Respondents

None appears on behalf of the appellant nor is any accommodation prayed for on his behalf.

By an order dated 3rd August, 2022 Mr. Chakraborty was directed to appear on behalf of the respondent bank.

It is submitted by Mr. Chakraborty that in view of the admitted default committed by the appellant, appropriate proceedings have been initiated under the provisions of the SARFAESI Act, 2002. A receiver has also been appointed by the Debt Recovery Tribunal, Siliguri. It is also submitted by the appellant bank that this appeal is not maintainable on the ground of the petitioner has an alternative efficacious remedy. It is also submitted by the respondent bank that the appellant has been repeatedly filing petitions with an oblique attempt to thwart the progress of the DRT proceedings.

In view of the non-appearance of the appellant, MAT 29 of 2022 stands dismissed for default.

As prayed for, liberty is granted to the respondent bank to act expeditiously in accordance with law.

In view of dismissal of the main appeal, the connected interlocutory application being CAN 1 of 2022 also stands dismissed.

(Bivas Pattanayak, J.)

(Ravi Krishan Kapur, J.)