

Court No. 2

Calcutta High Court

03.08.2022

In the Circuit Bench at Jalpaiguri

(DL 27)

Appellate Side

(S. Banerjee)

WPA 1021 of 2022

State Bank of India

Vs.

The Learned District Magistrate, Coochbehar & Ors.

Mr. Milindo Paul
Mr. Nabankur Paul
Ms. Bedashruti Bose

... for petitioner

Mr. Subir Kumar Saha, AGP
Mr. Bikramaditya Ghosh

... for the State

This is an application by the applicant bank that they have filed one application under Section 14 of the SARFAESI Act but the District Magistrate is not taking up the matter.

Learned advocate for the State has submitted that unless a confusion is cleared by the bank in respect of the discrepancy in the date of loan arrangement letter and the date of the non-judicial stamp paper whereon the loan arrangement was printed, it will be difficult for the District Magistrate to pass any order in this regard.

Whatever be the discrepancy, the private respondents being the respondent nos. 2, 3 and 4 took the loan and used the loan for their purpose to which this court is not going into and now the bank has taken steps for realizing the loan amount along with interest.

I do not find the discrepancy is serious enough to restrain the District Magistrate from adjudicating the matter. Therefore, the District Magistrate is directed to take steps in respect of Section 14 of the SARFAESI Act within a period of two weeks from the date of communication of this order.

With this observation and direction this writ application is disposed of.

Let the supplementary affidavit filed by the bank be kept with the record.

(Abhijit Gangopadhyay, J.)