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ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1048/2022

LUXAMEE KUTIR UDYOG LIQUOR DIVISION & ORS.
VERSUS
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 25th February, 2022

Appearance:

Mr. D. N. Roy Chowdhury, Adv.

Mr. Manoj Malhotra, Adv.

Mr. Suman Dey, Adv.

Ms. S. Ojha, Adv.

Ms. S. B. Chatterjee, Adv.

The Court :- The writ petitioner is aggrieved by an order of the year 2020 passed by the District Magistrate under Section 14 of the SARFAESI Act, 2002.

The petitioner would contend that the notice under Section 13(2) as issued by a person below the rank of the Chief Manager of the bank. The notice is, therefore, non-est in the eye of law. The Court notices that the petitioner has an effective alternative remedy before the Debts Recovery Tribunal at Kolkata.

In that view of the matter and given the fact that the notice under challenge is of December, 2020, the writ petition is not entertained reserving liberty to the petitioner, however, to approach the Debts Recovery Tribunal, Kolkata to challenge the same, if otherwise maintainable in law.

WPO No. 1048 of 2022 is thus disposed of.

It is made clear that this Court has not, in any event, gone into any of the contentions raised by the petitioner and the DRT, if approached, may entertain all questions in accordance with law.

(RAJASEKHAR MANTHA, J.)

S. Chandra/mg.