

02.03.2023  
Ct. 5  
D/L 8  
ab

**WPA 4638 of 2023**

**Balaji Coke Industry Private Limited**

**-Vs-**

**The Reserve Bank of India & Ors.**

Mr. Kishore Dutta,  
Mr. Mainak Bose,  
Mr. Proshit Deb,  
Mr. Sanjib Das

... for the petitioner

The petitioner admittedly has gone before the Debts Recovery Tribunal (DRT) which is the statutory alternative forum available to the petitioner under The SARFAESI Act, 2002. The petitioner is now before the Writ Court claiming relief against a Notice of Possession. Admittedly, the property has already been taken possession of by the Bank.

It does not appear from the records, as filed, that the petitioner has not been given an opportunity to place its case before the DRT. The only submission made on behalf of the petitioner is that the petitioner's application filed 2017 was dismissed in 2019 and the petitioner sought for recalling of the said order in 2023.

The relevant dates with regard to possession are thus; Notice of Possession dated 9<sup>th</sup> January, 2023, the

petitioner received an information on the same on 13<sup>th</sup> February, 2023 and the possession was taken on 23<sup>rd</sup> February, 2023.

This Court is not inclined to interfere in the matter both by reason of the governing Act as well as the decisions of the Supreme Court. However, it is expected that the petitioner will get an adequate opportunity of placing its case before the concerned DRT.

WPA 4638 of 2023 is disposed of in terms of the above.

**( Moushumi Bhattacharya, J.)**