

15.03.2023
Ct. 5
D/L 9
ab

WPA 6060 of 2023

Ajijul Mallik & Anr.

-Vs-

Union of India & Ors.

Mr. D. K. Samanta,
Mr. Masud Karim,
Ms. Tithi Paul,
Mr. Galib Ahsan,
Ms. Ranjana Talapatra

... for the petitioners

Mr. Rahul Sarkar,
Ms. Dipika Sarkar

... for the respondent nos. 3 to 5

The petitioners have challenged a Sale notice issued by the respondent Bank on 21st February, 2023. The date of sale is fixed today, i.e. 15th March, 2023 at 11.30 a.m. The petitioners challenged the said sale notice before the DRT-II on 9th March, 2023. Learned counsel for the petitioners submits that the DRT-II is not sitting since 28th February, 2023.

Since the petitioners' application challenging the sale notice is already before the DRT and is required to be adjudicated before the Bank can take any action pursuant to the said sale notice, the Bank is restrained from taking any steps in terms of the said sale notice till 21st March, 2023. The petitioners shall take requisite

steps under Section 17-A of The SARFAESI Act, 2002 in the matter of approaching the DRAT for assignment of the matter before any other Bench.

WPA 6060 of 2023 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)