

25th April, 2023
(D/L No.22)
(SKB)

W.P.A. 6290 of 2023

M/S Ganapati Enterprise
Versus
Union of India and others

Mr. Rameshwar Sinha,
Mr. Mohammad Khairul,
Mr. Mohammad Irfan
... for the petitioner.

Mr. Ashok Halder
... for the Union of India.

Ms. Sreemoyee Mitra,
Mr. Kapil Guha
... for the Canara Bank.

1. The petitioner seeks stay of a Sale Notice issued by the respondent Bank which was due to take place on 30th March, 2023.
2. Learned counsel appearing for the respondent Bank submits that the Bank could not proceed with the earlier Sale Notice dated 4th February, 2023 for want of bidders. The Bank issued a fresh Notice thereafter and the sale will be taken place tomorrow i.e. 26th April, 2023.
3. Admittedly, the petitioner is already before the Debts Recovery Tribunal which is a statutory forum available to the petitioner under the SARFAESI Act, 2002. Learned counsel appearing for the petitioner

submits that the DRT has fixed the matter for hearing tomorrow i.e. 26th April, 2023.

4. Since this court is not the statutory forum and several decisions of the Supreme Court had reached a consensus that matters in this nature should not be interfered with under Article 226 of the Constitution of India, W.P.A.6290 of 2023 is disposed of with liberty given to the petitioner to take appropriate steps before the concerned Debts Recovery Tribunal.

(Moushumi Bhattacharya, J.)