

18-04-2023
ct no. 13
sl. 23
sp

WPA 8883 of 2023
State Bank of India
-Versus-

State of West Bengal & Ors.

Mr. Pijush Kanti Ray,
Mr. Sourajit Mukherjee

...for the petitioner

Mr. Debasish Ghosh,
Mr. Debapriya Chatterjee

...for the State

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner, secured creditor has obtained orders under Section 14 of the SARFAESI Act, 2002 from the District Magistrate, Howrah on May 8, 2017 for obtaining possession of the secured assets. The order was confirmed on February 27, 2019. The cost for deployment of police has been paid by the bank on January 29, 2019. No assistance has been received from the police.
3. The private respondents/borrowers have filed WPA 15699 of 2017 which has been dismissed on July 18, 2017 by a Co-ordinate bench of this Court, inter alia, on the ground of availability of effective alternative remedy under the SARFAESI Act, 2002
4. The borrowers also filed an application being S.A. No. 205 of 2015 under Section 17(1) of the Act of

2002, that since been dismissed by the Debts Recovery Tribunal-I, Kolkata on March 29, 2022. Challenging the said order of dismissal, the borrower filed R.A. No. 4 of 2022 in which there is no stay against the petitioner/bank.

5. Against the order of the Co-ordinate bench, MAT 1385 of 2017 has been filed, which is now pending. There is no stay on the bank taking possession of the secured assets till date.
6. In that view of the matter, this Court directs the respondent nos. 3 and 5 to hand over the physical vacant possession of the secured assets to the State Bank of India on **Saturday (22.04.2023)** at **2 p.m.** Sufficient police force shall be deployed for the aforesaid purpose.
7. With the aforesaid observations, the instant writ petition shall stand disposed of.
8. There shall be no order as to costs.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)