

WPA 12624 OF 2021

13.09.2023

Sl no. 29

Ct no. 2

P.M.

Subir Mondal

- Vs -

**The Branch Manager, Punjab National Bank
(P.N.B.) at Chandrakona Town Branch, now
Punched with United Bank of India (U.B.I.) & Ors.**

Mr. Shyamal Roy

... for the petitioner

Mr. Abhishek Banerjee

... for the Respondent

Heard learned Counsels appearing for the parties.

By this writ petition, petitioner has challenged the impugned notice dated 22nd June, 2021 and 20th May, 2021 issued by the respondent bank authority concerned for non-payment of the loan in question.

Learned advocate appearing for the respondent bank submits that this writ petition is not maintainable since subsequent proceeding arising out of the impugned notices are pending before the Debt Recovery Tribunal under Section 17(1) of the SARFAESI Act.

Considering the facts and circumstances of this case that for the same cause of action petitioner cannot run to parallel proceeding when proceeding relating to the impugned notices is pending before

the Debt Recovery Tribunal authority concerned, this writ petition being WPA 12624 of 2021 is dismissed.

However, it is expected that the DRT authority will expedite the pending proceeding and pass a final order.

All the points raised in this writ petition are kept open to the petitioner before the DRT authority.

(Md. Nizamuddin, J.)