

08.09.2023
DL-01
(Sanjay)
Ct.no.11

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12679 of 2023
with
CAN 1 of 2023

Vaidhai Agarwal @ Sonu Kumari Kedia
Vs.
The District Magistrate,
Paschim Bardhaman & Ors.

Mr. Sumitava Chakraborty,
Mr. Bijoy Bag ...for the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Abhishek Banerjee ...for the State.

Mr. Siddhartha Sharma,
Mr. Shantanu Mitra,
Mr. Rishav Dutt,
Mr. Aman Katanuka,
Ms. Shalini Basu ...for the Bank.

Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra,
Mr. Debanjan Das
...for the respondent nos. 5,6,8 and 9.

One M/s. Sarva Mangalam Gajanan Steel Pvt.
Ltd. (hereinafter referred to as the Company) is a
company owned by the members of the petitioner's
family. The petitioner's mother, since deceased was
one of the co-sharers of the Company.

The Company availed of the credit facility from
Allahabad Bank, which was subsequently merged
with Indian Bank. The said loan has not been paid.

Consequently, a proceeding under Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the SARFAESI Act) was initiated against the owners of that company including the petitioner's mother, since deceased and even the bank authority took steps under section 14 of the SARFAESI Act.

The writ petitioner has challenged the entire proceedings and the notices issued in connection thereto on the ground that the bank has proceeded against a dead person say, her deceased mother.

During the pendency of the proceeding, the bank has issued a fresh notice dated 11.07.2023 under Section 13(2) of the SARFAESI Act against the petitioner and other co-sharer of the company. From the notice dated 11.07.2023, it would be explicit that the bank authority has cancelled and/or revoked all the previous notices issued under the SARFAESI Act.

Mr. Sharma, learned advocate for bank submits that the bank has abandoned the proceedings initiated on the basis of the earlier notices issued under the SARFAESI Act and initiated a fresh proceeding under the SARFAESI Act.

In view of such sequence of the facts, the writ petition stands dismissed as infructuous. There shall be no order as to costs.

In view of the order passed in this writ petition, the application for interim order being CAN 1 of 2023 is also dismissed.

Urgent photostat certified copy of this judgment and order, if applied for, be given to the parties on fulfilling necessary formalities.

(Partha Sarathi Chatterjee, J.)