

**19.09.2023**

Sl no. 17

Ct no. 2

P.M.

**WPA 13388 OF 2023**

**Sushila Emporium.**

**- Vs -**

**The Union of India & Ors.**

Mr. Sudhir Kumar Das

... for the petitioner

Mr. Tanoy Chakraborty,

Mr. Amritalal Chatterjee

... for the State

Mr. A. K. Usmani,

Mr. T. Islam

... for respondent No. 3

Heard learned advocates appearing for the parties.

Petitioner has filed this writ petition challenging the impugned proceeding under Section 13(4) of the Securitization and Reconstruction of Financial Assessment and Enforcement of Security Interest Act, 2002 and the notice dated 4<sup>th</sup> May, 2022 in the aforesaid Act therein. It is an admitted position that petitioner has taken the loan from the respondent bank and has not fully paid back the same till date and when the Court gave an opportunity to clear the balance dues, petitioner did not show its inclination to pay the same.

Considering the facts and circumstances of this case I am of the view that petitioner does not deserve any protection in the matter and this Court is not inclined to invoke constitutional writ

jurisdiction under Article 226 of the Constitution of India in this case and the respondent authority concerned are free to proceed against the petitioner in accordance with law.

Accordingly this writ petition being WPA 13388 of 2023 is dismissed.

**(Md. Nizamuddin, J.)**