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18.07.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 16321 of 2023

State Bank of India
Vs.
The State of West Bengal & Ors.

Mr. Pijush Kanti Ray,
Mr. Soujanya Bandyopadhyay
...for the petitioner

Ms. Noelle Banerjee,
Mr. Tapas Ballav Mondal
...for the State

Despite service, none appears for the borrowers, although the State of West Bengal and the petitioner are represented through counsel.

Affidavit-of-service filed in Court today be kept on record.

Learned counsel for the petitioner argues that the petitioner-bank has taken out an application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 sometime back. However, although the borrower has taken out an application before the Tribunal, it

is not enjoying any order of stay or any restraint order in connection of the said proceedings.

The District Magistrate, despite the pendency of such application, and even in the absence of any restraint order, is delaying the disposal of the application under section 14 of the 2002 Act unnecessarily.

In such view of the matter, W.P.A. No. 16321 of 2023 is disposed of by directing the District Magistrate, being the respondent no. 2 herein, to dispose of the pending application at the behest of the petitioner-bank against the private respondent/borrower under Section 14 of the 2002 Act, as expeditiously as possible, positively within three weeks from the date of communication of this order to the said respondent.

It is made clear that this order shall be subject to the any restraint order, if passed in the meantime by any competent authority.

All parties shall act on a server copy of this order without insisting upon prior production of a certified copy of this order.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)