

3rd August,
2023
(AK)
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W.P.A 17163 of 2023

Mr. Gobinda Singha and another
Vs.
Reserve Bank of India and others

Mr. Abhishek Banerjee
Ms. Parna Roy Choudhury
Ms. Payel Ghosh
Mr. Avishek Choudhury
...for the petitioners.

Ms. Soni Ojha
Ms. Sonia Nandy
...for the respondent nos.2 & 3.

At the outset, a maintainability issue is raised by the respondent nos.2 and 3.

Learned counsel for the respondent nos.2 and 3 is justified, since under the SARFAESI Act, 2002, the appropriate authority for a challenge of the present nature, since the measures under Section 13(4) of the Act have already been resorted to, is the Debts Recovery Tribunal.

Accordingly, WPA 17163 of 2023 is disposed of by granting liberty to the petitioners to move the Debts Recovery Tribunal on the self-same reliefs as sought in the present writ petition, if necessary, adding further reliefs with regard to the action taken by the respondent nos.2 and 3 under Section 13(4) of the 2002 Act.

It is made clear that since the writ petition has been kept pending for some time, the Debts Recovery Tribunal shall proceed on the premise that the challenge, if preferred by the petitioner within August 7, 2023, has been filed in time.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)