

04 16.08.2023
RP Ct. No. 01
AN

FMA 1093 of 2022
with
IA No. CAN 1 of 2023

Smt. Tarulata Kundu
Vs.
UCO Bank & Ors.

Mr. Mani Sankar Chattopadhyay
... For the Appellant

Mr. Ameena Kabir
... For the respondent nos. 1-3

1. This intra-Court appeal is directed against the order dated 06.07.2022 passed in WPA 12850 of 2022. In the said writ petition, the appellant prayed for a direction upon the respondent bank not to sale the schedule premises. The writ petition was dismissed on the ground of inordinate and unexplained delay apart from the fact that if the appellant had any grievance against the SARFAESI proceedings initiated by the respondent bank or for any other reliefs, his remedy lies before the Debt Recovery Tribunal.

2. Today, the learned counsel for the appellant makes a slightly different submission stating that the property of the appellant has already been sold and after adjusting the bank dues payable to the bank the bank should pay the balance amount to the appellant. In fact, somewhat similar submission was made before the learned Single Judge and the same was not accepted on the ground that it is not supported either by facts or by law. In any event, the SARFAESI Act being a complete code, the learned

writ court cannot interdict the process.

3. Therefore, we find no ground to entertain the appeal and the same stands **dismissed**. Consequently, the connected application also stands dismissed.

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)