

21.08.2023
Sl. No.36(DL)
srm

C.O. No. 2796 of 2023

M/s. Maheshwari Multiple Mills Pvt. Ltd. & Ors.

Versus

District Magistrate, Purba Burdwan & Anr.

Mr. Joydip Banerjee,
Mr. Agniv Sinha,
Ms. Rima Halder

...for the Petitioners.

This revisional application has been filed challenging an order dated June 28, 2023 passed by the learned Presiding Officer, Debts Recovery Tribunal, Siliguri In-Charge of Debts Recovery Tribunal-2, Kolkata, in IA/716/2023 and IA/717/2023. IA/716/2023 and IA/717/2023 arise out of a SARFAESI proceeding filed under Section 71 the SARFAESI Act, 2002.

The learned tribunal rejected the application on the ground that the same was not maintainable as the application was not presented within the time limit prescribed by the statute. The learned tribunal observed that the limitation of 45 days had to be counted from the date of knowledge of measures taken by the secured creditor. The order passed by the ADM, Purba Bardhaman, was well within the knowledge of both the parties, but the period of limitation was counted from January 13, 2023 when the RTI application was filed by

the petitioner No.1. Reliance was placed on different judgments of the Hon'ble Apex Court in this regard.

Thus, the Court finds that the SARFAESI application which was filed under Section 17 of the SARFAESI Act, 2002 was dismissed in *limine* on the ground the same not being maintainable, being barred by law of limitation.

This order, in my opinion, is an appealable order under Section 18 of the SARFAESI Act. The remedy of the petitioners is before the learned appellate tribunal.

The revisional application is not entertained and the same is dismissed.

This order shall not prevent the petitioners from taking recourse to law, before the appropriate forum.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)