

21.08.2023
Sl. No.37(DL)
srm

C.O. No. 2814 of 2023

Ranjit Kumar Shaw & Ors.

Versus

Indiabulls Commercial Credit Limited & Anr.

Mr. Lal Mohan Hajra,
Mr. Somesh Panja,
Mrs. Anuradha Hajra,
Mrs. Moutusi Hazra

...for the Petitioners.

This revisional application is not maintainable.

The petitioners have challenged a communication made by the Indiabulls Commercial Credit Limited to the District Magistrate, Howrah, with a request for taking physical possession of the property in question pursuant to an order passed under Section 14 of the SARFAESI Act, 2002. It appears that the District Magistrate, Howrah, had already issued a memo on April 18, 2023 directing taking over of physical possession of the secured asset against the loan account of Ranjit Kumar Shaw.

Such communication is not revisable before this Court as Article 227 of the Constitution of India, which deals with superintending powers of the Court over tribunals and courts under it. The defects in the communication or defects in the

order passed earlier, are matters to be adjudicated before the appropriate court.

The petitioners are also at liberty to approach the Debts Recovery Tribunal-1, Kolkata, for necessary orders in view of the fact that the petitioners' application challenging the sale conducted by the financial institution was heard and the judgment was reserved.

If the petitioners approach the Debts Recovery Tribunal with any prayer, the same shall be disposed of strictly, in accordance with law, upon giving all the parties opportunity to contest the same.

This Court has not entered into the merits of the application.

The revisional application is, thus, dismissed.

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.)