

9th October,
2023
(AK)
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W.P.A 22042 of 2023

State Bank of India
Vs.
State of West Bengal and others

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

Mr. Amal Kr. Sen
Mr. Lal Mohan Basu
...for the State.

1. Learned counsel for the petitioner-Bank submits that the petitioner's application under Section 14 of the SARFAESI Act, 2002 is pending beyond the statutory period.
2. Despite pendency of a challenge under Section 17 of the said Act by the borrower, no interim order has been passed as yet in connection with the same; therefore there is no fetter on the District Magistrate to dispose of the petitioner's application.
3. Heard learned counsel for the parties.
4. The petitioner's contentions are justified and in accordance with law.
8. Accordingly, WPA 22042 of 2023 is disposed of by directing the respondent no.2, the District Magistrate, Hooghly to dispose of the petitioner's application under Section 14 of the 2002 Act at the earliest, positively within November 17, 2023.

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

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.)