

1st December,
2023
(AK)
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W.P.A. 22045 of 2023

Sivog Marketing Pvt. Ltd. and another
Vs.
Union of India and others

Mr. Apurba Kr. Ghosh
Mr. Rudranil Ghosh

...for the petitioner.

Mr. Dipanjan Datta
Mr. Alam Basu
Mr. Subhajit Chowdhury

...for the respondent nos. 2 & 3.

1. Learned counsel for the petitioners submits that the petitioners are major shareholders and corporate guarantor in respect of proforma respondent no.5-Company.
2. It is submitted that although the petitioners wrote to the Central Vigilance Commission, that is, the respondent no.4, which complaint was registered on April 15, 2019, against irregularities and illegal activities of the respondent-Bank, no action has been taken thereon by respondent no.4.
3. It is submitted that in the meantime the Bank has taken out recovery proceedings on an alleged debt of the proforma respondent no.5 and the auction sale is scheduled to be held soon.

4. Learned counsel for the Bank submits that already an application under Section 17 of the SARFAESI Act is pending before the concerned Debts Recovery Tribunal. The remedy of the petitioners, if any, lies before the said forum.

5. It is found that even as per the averment of the petitioners, the complaint was allegedly registered on April 15, 2019. The petitioners, for some unknown reason, sat tight over the matter for four years and have only filed the present writ petition in September, 2023. Apparently, such belated promptness of the petitioner was due to SARFAESI action taken by the Bank.

7. There is no apparent nexus between the said complaint and the SARFAESI action taken by the Bank, against which the relief of the petitioners lies before the concerned Debts Recovery Tribunal in the pending proceeding or in an original action taken by the petitioners.

8. Hence, there is no scope of any relief in the present writ petition.

9. Insofar as the complaint before the Central Vigilance Commission is concerned, since the petitioners chose to wait for four long years in seeking action on the same, the petitioner is not entitled to any equitable remedy under Article 226 of the Constitution of India.

10. Accordingly, WPA 22045 of 2023 is dismissed without any 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.)