

D/L. 17.
October 18, 2023.
MNS.

WPA No. 22638 of 2023

Tata Capital Housing Finance Limited
and another
Vs.
State of West Bengal and others

Mr. Pratip Mukherjee,
Mr. Sayak Ranjan Ganguly,
Ms. Srijani Ghosh

... for the petitioners.

Ms. Sangeeta Roy,
Mr. Suman Singh

...for the State.

1. Learned counsel for the petitioners points out that an application under Section 14 of the Securitization And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) filed by the petitioner no. 1-Financial Company has been kept pending beyond the statutory outer limit. It is also submitted that no application under Section 17 of the SARFAESI Act, 2002 has been preferred by the borrowers.
2. Since the borrowers choose not to appear despite service of notice, keeping on record the affidavit-of-service, the writ petition itself is taken up for final disposal.

3. In view of the above circumstances, WPA No. 22638 of 2023 is disposed of by directing the respondent no. 2, that is, the District Magistrate, Barasat, North 24- Parganas, to dispose of the petitioners' application under Section 14 of the SARFAESI Act, 2002 within December 8, 2023 positively.
4. There will be no order as to costs.
5. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)