

30.11.2023
Item No.45
Court No.1
CHC
(disposed of)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

MAT 195 of 2023
IA NO: CAN/1/2023

M/s City Tours and Travels & ors.
Vs.
Kotak Mahindra Bank & anr.

Mr. Sankar Nath Mukherjee, Sr. Advocate
Mr. Niraj Gupta, Advocate
Ms. Mousumi Das, Advocate
...for the appellants

Mr. Milindo Paul, Advocate
Mr. Nabankur Paul, Advocate
Mr. Subham Das, Advocate
Mr. Abhishek Sarkar, Advocate
...for the respondent no.1 Bank

Mr. Subir Kumar Saha, Advocate
Mr. Momenur Rahman, Advocate
...for the State

The appeal is directed against an order dated October 11, 2023 passed in W.P.A.2367 of 2023.

Appellants before us are proceeded against under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002.

The respondent no.1 herein approached the District Magistrate under Section 14 of the Act of 2002. Such application was not been disposed of and therefore, the respondent no.1 approached the

Writ Court by way of writ petition in which the impugned order was passed.

Learned advocate appearing for the appellants submits that, the appellants were not heard when the impugned order was passed. Moreover, there is a SARFAESI proceeding initiated at the behest of his client before the Tribunal which is pending.

The appellants before us are apparently defaulters and are being proceeded against under the provisions of Act of 2002. Appellants are not required to be heard in a proceeding under Section 14 of the Act of 2002 before the District Magistrate. In any event, the appellants are unable to demonstrate any prejudice being caused to them by the impugned order dated October 11, 2023.

The District Magistrate will no doubt dispose of the Section 14 application if not already disposed of.

MAT 195 of 2023 along with IA NO:CAN/1/2023 are disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)