

OD – 5

WPO/1622/2023

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

HDFC BANK LIMITED

-Versus-

THE STATE OF WEST BENGAL AND
ORS.

BEFORE :

THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA

Date : 11th October, 2023

Appearance:

MR. Soumyajit Majumdar, Adv.

Mr. Raju Kumar, Adv.

...for the petitioner.

Mr. Debangsu Dinda, Adv.

...for the State.

The Court : Let the affidavit of service filed in Court today be taken on record.

Learned counsel for the petitioner submits that the petitioner's application under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002) is pending beyond the statutory period of 60 days.

It is contended, on instruction, that although an application is pending at the behest of the borrower under

Section 17 of the said Act, no interim order has been passed in connection with the same.

In such view of the matter, there cannot be any fetter for the District Magistrate to take appropriate action on the application of the bank.

Accordingly, WPO/1622/2023 is disposed of by directing the respondent no.2, District Magistrate, Purba Bardhaman to dispose of the application of the petitioner bank under Section 14 of the SARFAESI Act, 2002 at the earliest, positively within November 30, 2023.

There will be no order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

A/s.