

Item No.17
09.05.2024
GB/Ct. No. 34

C.R.R. 453 of 2024

In Re : Sanjay Karmakar

..... petitioner

Ms. Rita Patra,
Mr. Pradip Bose,
Ms. Pusmita Das

..... for the petitioner

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner has preferred the present revisional application challenging the continuance of Complaint Case No.143127 of 2023, which was initiated under the relevant provisions of Payment and Settlement System Act and is pending before the learned Metropolitan Magistrate, 5th Court at Calcutta.

I have considered the contentions of the learned advocate appearing for the petitioner who emphasized that the petitioner prayed for supply of total due which have accrued after receiving the demand notice, but the complaint authorities refused to hand over the same and in spite of that the complainant proceeded to file the instant case.

According to the learned advocate, pursuant to the reply to the demand notice the complainant was obliged under the law of the detailed statement which was never handed over and as such, the proceeding which was subsequently initiated was bad-in-law.

I have considered the submissions. The learned advocate has emphasized upon the SARFAESI Act and not upon the Statute relating to the Payment and Settlement System Act. Having regard to the same, I am of the view that no further interference will be needed by this Court.

Accordingly, CRR 453 of 2024 is dismissed.

The petitioner would be at liberty to take up the issue relating to the legally enforceable debts and liability in course of the trial of the case.

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

(Tirthankar Ghosh, J.)