

May 15, 2024
AD 7
Ct. No.14
SG

WPA 3599 of 2024

State Bank of India
vs.
The State of West Bengal and others

Mr. Pijush Kanti Ray
Mr. Soujanya Bandyopadhyay
... for the petitioner

Mr. Ashim Kumar Ganguly
Ms. Sukla Das Chandra
... for the State

Report filed by the State is taken on record. A copy of the same is handed over to learned counsel for the petitioner.

Despite service, as would be evident from the affidavit of service filed earlier, no one appears on behalf of the private respondents.

Learned counsel for the petitioner submits as follows. An order was passed under Section 14 of the SARFAESI Act requesting the Commissioner of Police, Chandernagore Police Commissionerate to instruct Chinsurah Police Station to provide police assistance to the authorised officer for taking possession of the secured assets. However, police help was not rendered despite requests. Appropriate order may be passed in this regard.

Learned counsel for the State relies on the report and submits as follows. The police are now ready to provide necessary help to secure the assets, but after the

ensuing Lok Sabha Elections. However, the order under Section 14 of the SARFAESI Act is not in force because it was directed to be in force for six months.

It appears from the order passed by the District Magistrate, Hooghly that the order dated 02.02.2023 was to remain in force for six months.

It is an unfortunate case where due to the laches of the police authorities, an order under Section 14 of the SARFAESI Act could not be implemented. Now, the order appears to have lapsed.

Let the petitioner pray for issuance of an order under Section 14 of the SARFAESI Act afresh. If such an application is made, the same shall be decided as expeditiously as possible. If such an order be passed, the petitioner shall be at liberty to communicate the same to the police authorities who shall act expeditiously and not permit the order to lapse again.

With these observations, the writ petition is disposed of.

Parties shall act on a server copy of this order duly downloaded from the official website of this Court.

[Jay Sengupta, J.]