

12.06.2024  
Court No.13  
Item No. 7  
pk

**WPA 6582 of 2024**

**M/s. HDS Steel Traders Private Limited and another  
Vs.  
State of West Bengal and others**

Mr. Biswaroop Bhattacharyya,  
Mr. Pratik Majumdar,  
Mr. Snehasish Dey  
... for the petitioners.

Mr. R. N. Bag  
... for the respondent no. 7.

Mr. Abhishek Banerjee,  
Ms. Parna Roy Choudhury  
... for the Bank.

Mr. Vimal Kumar Shahi,  
Ms. Jyeeta Sinha  
... for the State.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner is successful purchaser in auction conducted by the Bank in the SARFAESI Act, 2002. Until issuance of sale certificate issued on 18.01.2021 he was never notified of any pending proceeding by the borrower against the bank under Section 17 of the said Act of 2002.
3. It appears that the petitioner has suppressed materials of facts.
4. What is clear is that the petitioner had due notice of the proceeding before the DRT on the year 2021, albeit belatedly. The petitioner could easily have approached the DRT concerned under the SARFAESI Act for seeking remedies, inter alia, against the bank

but he has not chosen to do so. The present writ petition has been moved after a period of three years of notice of the proceeding before the DRT.

5. This Court is of the view the writ petition is grossly in abuse of process of law, apart from the fact that there is absolute no urgency whatsoever for the matter being taken out of turn.
6. The writ petition is dismissed with costs of Rs.5,000/- payable by the writ petitioner to the High Court Legal Services Authority.
7. The aforesaid order shall not prevent the petitioner from approaching the DRT in accordance with law to seek relief against the parties, against whom, he is aggrieved.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**