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01.05.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 11430 of 2024

Axis Bank Limited & Anr.
Vs.
State of West Bengal & Ors.

Mr. Sayak Ranjan Ganguly,
Ms. Srijani Ghosh,
Ms. Indrani Majumdar
...for the petitioners

Mr. Ranjit Rajak
...for the State

Mr. Rachit Lakhmani,
Mr. Avishek Das,
Mr. Soubhik Dey
...for the respondent nos. 3 and 4

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioners submits that the petitioners took out an application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 against the private respondents. However, the same has been kept pending inordinately.
3. Learned counsel for the private respondents contends that the private respondent no. 3 is suffering from paralysis and it would be extremely difficult for him to shift from the premises-in-question at short notice.

4. Hence, the respondents pray for some time to have their pending application under Section 17 of the 2002 Act adjudicated before the Tribunal.

5. However, on query of Court, learned counsel for the private respondents candidly submits that the private respondents failed to obtain any interim order in connection with the pending challenge under Section 17 of the 2002 Act.

6. Learned counsel for the private respondents also points out that the checklist annexed to the affidavit filed by the Bank before the concerned District Magistrate, annexed at pages 62 and 63, contains an erroneous information insofar as the pending application under Section 17 has been enumerated as SA 135 of 2021, whereas the application of the private respondents is numbered as SA 626 of 2021.

7. It is submitted that the said rectification ought to be done by the Bank prior to disposal of the application under Section 14 of the 2002 Act.

8. Since the private respondents have already approached the Tribunal and failed to obtain any interim order, the said issue cannot be reopened in the writ jurisdiction, particularly within the conspectus of the present challenge.

9. However, it will be open to the private respondents to point out to the concerned District

Magistrate as regards the discrepancy, if any, in the checklist annexed to the affidavit of the petitioners in connection with the pending application under Section 14 of the 2002 Act.

10. Accordingly, W.P.A. No. 11430 of 2024 is disposed of by directing the respondent no. 2, that is, the District Magistrate, North 24-Parganas at Barasat to dispose of the pending application of the petitioners under Section 14 of the 2002 Act, bearing Memo No. 616 of 2022, as expeditiously as possible, preferably within six weeks from date, upon giving an opportunity to the private respondents to point out the alleged discrepancy in the checklist annexed to the affidavit of the petitioners filed in connection with the application under Section 14 of the 2002 Act.

11. It is made clear that no observation on the merits of the contentions of the parties before the Tribunal has been made above.

12. There will be no order as to costs.

13. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)