

31 16.05.2024
AN Ct. No. 01
RP

MAT 827 of 2024
with
IA No. CAN 1 of 2024

Sutapa International Exports Private Limited & ors.
Vs.
State of West Bengal & Ors.

Mr. Sunny Nandy
Mr. Rajesh Kshetri
Mr. Amit Chowdhury

... For the appellants

Mr. Jahar Lal De
Mr. Mrinmoy Kr. Sahu

... For the State

Mr. Sayak Ranjan Ganguly
Ms. Srijani Ghosh
Ms. Indrani Majumdar

... For the respondents

1. This intra-Court appeal filed by the private respondents is directed against the order dated 20.03.2024 passed in WPA 4331 of 2024 by which the learned Single Judge directed the application filed by the writ petitioner bank under Section 14 of the SARFAESI Act to be disposed of within the time frame. The appellant is the borrower who is admittedly a defaulter also. The learned District Magistrate while exercising powers under Section 14 of the said Act is not expected to adopt an adjudatory process. However, it may be a different case where fraud is alleged and, in the instant case, there is no such allegation now. Furthermore, learned counsel appearing for the respondent bank submits that already an order has been passed by the learned District Magistrate under Section 14 of the said Act.

2. For all the above reasons, we find no grounds

made out to interfere with the impugned order passed by the learned Single Judge. Hence, the appeal stands **dismissed**. Consequently, the connected application also stands dismissed.

(T. S. Sivagnanam)
(Chief Justice)

(Hiranmay Bhattacharyya, J.)