

July 5, 2024
Sl. No.1
Court No.9
s.biswas

WPA 12787 of 2023

Sri Amit Shaw and another
vs.
Union of India and others

Mr. Nanda Dulal Bandyopadhyay
Mr. Swapan Kumar Barik

... for the petitioners

Ms. Soni Ojha
Mr. Gunja Panchna

... for the respondents

1. This writ petition has been filed with numerous prayers. The proposal of the petitioners is that the bank could give easy instalment to enable him to pay up the money.
2. Learned advocate for the bank submits that the petitioners had already initiated proceedings before the Debts Recovery Tribunal challenging the SARFAESI proceedings. The prayer for one time settlement or whatever prayers have been made in the writ petition, could have easily been made before the learned Debts Recovery Tribunal.
3. It is further submitted by the bank that the approach of the petitioners is not resolution of the dispute by a one-time offer, rather the petitioners pray for payment by instalments and the bank cannot wait for an unlimited period by granting such liberty to the petitioners.

4. Having heard the rival contentions of all the parties, this court is of the view that the offer of the petitioner or the prayers made in this writ petition, are available in the appropriate proceeding. The petitioners should approach the learned Debts Recovery Tribunal in the pending matter by filing an appropriate application. If such application is made, the same shall be disposed of by the learned tribunal, in accordance with law.
5. The writ petition stands disposed of.
6. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)