

04.07.2024
Sl. No.18(DL)
srm

W.P.A. No. 16292 of 2024

**Sridam Deuty Proprietor of Swastika Enterprise
Versus
Indian Bank & Anr.**

Mr. Subrata Bhattacharjee

...for the Petitioner.

Mr. Om Narayan Rai

...for the Bank.

This Court does not find any reason to interfere in this proceeding.

The petitioner prays for a direction upon the bank to provide the statement of the loan account so that the petitioner can pay up the outstanding.

It appears that the petitioner approached the civil court challenging a sale notice issued by the Indian Bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. An order of injunction has been passed, injunctioning the bank from proceeding with the sale. Petitioner submits that such order is still operative.

Prima facie, this Court is surprised that a suit challenging the proceedings under the SARFAESI Act could have been entertained at all. In any event, if the petitioner has already approached a forum, parallel proceedings cannot be allowed.

Moreover, taking advantage of the injunction, the petitioner is trying to get an order permitting him to pay up the dues or apply for OTS. This is forum shopping.

The writ petition is, thus, dismissed.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)