

D/L.143.
October 1, 2024.
MNS.

WPA No. 21283 of 2024

State Bank of India and another
Vs.
The State of West Bengal and others

Mr. Debasish Saha,
Mr. Avirup Roy Sanyal,
Ms. Sucheta Pal

... for the petitioners.

Mr. Suman Sengupta,
Ms. Amrita Panja Moulick

...for the State.

Mr. S. M. Obaidullah,
Ms. Riya Ballav,
Mr. Suvayan Banik

...for the respondent nos. 6 and 7.

The petitioner no. 1-bank issued notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short "2002 Act") on March 4, 2014, demanding a sum of Rs.73,42,93,338.22 p. as on February 24, 2014 from the private respondents. The bank also filed an application for recovery of the outstanding amount before the learned Debts Recovery Tribunal, which was registered as OA No. 605 of 2014. The said application was subsequently transferred to the learned Debts Recovery Tribunal-III, Kolkata and was re-numbered as Transfer Application No. 18 of 2014. The bank through its authorized officer filed an application under Section

14 of the 2002 Act before the District Magistrate and the District Magistrate passed an order on January 5, 2017 directing the police authorities to provide police assistance to the secured creditor for taking possession of the secured assets, which have been specifically mentioned in the order passed under Section 14 of the 2002 Act.

The petitioner alleges that in spite of an order passed by the District Magistrate under Section 14 of the 2002 Act, no steps have been taken by the police authorities to render necessary assistance to the bank to enable the bank to take possession of the secured assets.

Today, the learned Advocate appearing for the State files a report of the Officer-in-Charge of Behala Police Station dated September 29, 2024, which is taken on record, wherefrom it appears that requisition regarding necessary police costs has been submitted before the appropriate authority of the police. The report further proposes the date for rendering police assistance on October 24, 2024.

The learned Advocate appearing for the petitioner no. 1-bank, on instructions, submits that the bank is ready and willing to take possession of the secured assets on October 24, 2024 if the necessary police assistance is rendered in that regard. The learned Advocate submits that the petitioner is willing to deposit the police costs that

may be assessed by the concerned authority of the police.

The learned Advocate appearing for the respondent nos. 6 and 7 submits that the order passed under Section 14 of the 2002 Act is not in accordance with law.

However, since the respondent nos. 6 and 7 have not challenged the said order of the District Magistrate, this Court cannot go into the legality of such order in this writ petition.

The learned Advocate appearing for the State submits that the bank will have to bear the costs for rendering police assistance, which shall be assessed and intimated to the petitioner on or before October 15, 2024.

In the event, the police costs as assessed by the concerned authority are deposited by the bank on or before October 23, 2024, the police authorities shall render assistance to the petitioner for taking possession of the secured assets in terms of the order passed by the District Magistrate under Section 14 of the 2002 Act.

With the above observations and directions, the writ petition stands disposed of.

Photostat certified copy, if applied for, be given to the parties.

(Hiranmay Bhattacharyya, J.)