

12.09.2024
Court No.09
Item no.15
CP

WPA No. 21514 of 2024

Mr. Pintu Mondal

Vs.

Authorised Officer of IIFL Home Finance Ltd. & anr.

Mr. Sanjoy Chakraborty

Ms. Kakali Dutta

....for the petitioner.

Mr. Ranjit Singh

Mr. A. Singh

Mr. Ratul Deb Banerjee

.....for the respondent no.1.

The subject matter of challenge in this writ petition is the order of the District Magistrate dated May 26, 2023 and the subsequent sale notice.

The petitioner's remedy is to approach the debts recovery tribunal, in accordance with law, under Section 17 of the SARFAESI Act.

The contention of the petitioner that he had proposed a one-time settlement and the bank had orally agreed to such proposal, could also have been raised before the debts recovery tribunal. In view of Section 13(8) and the alternative remedy under Section 17 of the SARFAESI Act, this court cannot pass any orders in favour of the petitioner, at this stage.

The writ petition is disposed of accordingly.

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.)