

M/L
Item No. 242
07.08.2024
KOLE

WPA 22063 of 2023

**Authorized Officer, South Indian Bank Ltd. & Anr.
-Vs.-
The State of West Bengal & Ors.**

Ms. Joyee Maiti,

...for the writ petitioners.

*Mr. Deepnath Roy Chowdhury,
Mr. J. Mondal,*

...for the State.

1. Affidavit of service filed in Court today be kept with the records.
2. The added respondent no. 5 refused to accept service of this writ petition.
3. It is submitted that the respondent no. 6 does not appear despite service.
4. In any event, the presence of the borrower is not required at the time of disposal of an application under Section 14 of the SERFAESI Act. The Bank has approached this Court alleging inordinate delay on the part of the District Magistrate, Howrah in proceeding with an application under Section 14 of the SARFAESI Act.
5. The writ petition is disposed of by directing the District Magistrate, Howrah to dispose of the application in accordance with law and upon being satisfied that the decision of the Hon'ble Apex Court in the case of **Standard Chartered Bank-vs.- Noble Kumar & Ors.**, reported in **(2013) 9 SCC 620**, has been complied with.

6. The decision shall be taken within two months from the date of communication of this order.
7. The writ petition stands disposed of.
8. There shall be no order as to costs.
9. All parties shall act upon the server copy of this order duly downloaded from the website of this Court.

(Shampa Sarkar, J.)