

ML 151
04.07.2024
Court. No. 9
GB

W.P.A. 23785 of 2023

Allied Retail India Pvt. Ltd. & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Subhankar Chakraborty,
Mr. Saptarshi Bhattacharya,
Ms. Ruchira Manna,
Ms. Sayani Gupta,
Ms. Neelanjana Roy

...for the Petitioners.

Mr. Anirban Pramanick,
Ms. Subhasree Dey

...for the Bank.

Ms. Tuli Sinha

...for the State.

This writ petition has been filed challenging the SARFAESI proceedings. It is informed to the Court that the original application filed by the bank was decreed. It is further informed that an S.A. challenging the SARFAESI proceedings has been filed by the petitioner, before the leaned Debts Recovery Tribunal.

The petitioners submit that the bank had mischievously obtained an order under Section 14 of the SARFAESI Act, from the concerned District Magistrate, by suppressing certain facts. Thereafter, order of implementation of the order of the District Magistrate was passed by another coordinate Bench. The fact that the property is in possession of the petitioners and is the subject matter of an injunction obtained by the Bank of Baroda, were

not disclosed. The petitioner prays that the bank should be restrained from taking physical possession, pursuant to the order passed by the District Magistrate and this Hon'ble Court.

In my opinion, if such order is passed by this Court, it will amount to interference with the order of His Lordship. His Lordship has directed implementation of the order of the District Magistrate. The petitioners have filed an application for recalling of the order of His Lordship. The petitioner must pursue such remedy.

Moreover, proceedings have already been initiated by the petitioner before the learned Debts Recovery Tribunal. Again, the SARFAESI proceeding has been challenged in this writ petition.

Under such circumstances, the writ petition is not maintainable. Parallel proceedings cannot be permitted. It is also submitted that the allegations against the bank, as put forward in the writ petition, have been brought to the knowledge of the learned DRT by filing an I.A., in the connected S.A.

Under such circumstances, the writ petition is disposed of without any orders. Disposal of this writ petition shall not prevent the petitioners from ventilating their grievances before the appropriate forum.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)