

14.11.2024
rc/ct.no.34
Item No.28

CRR No. 4825 of 2024

In the matter of : Prabir Nag & Ors.

.....Petitioners

Mr. Arindam Jana
Mr. Saunak Bhattacharyya
Mr. Sumanta Ganguly
Mr. Saunak Mandal
Mr. Abhirup Halder

...for the Petitioners

Mr. Sagar Bandopadhyay
Mr. Amit Kumar Nag
Mr. Partha Banerjee

.....for the O.P.No.1

The petitioners are aggrieved by the order passed by the learned Chief Judicial Magistrate, Calcutta on October 05, 2024 in MISCS 43 of 2024 under Section 14 of The Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (hereinafter referred to as the "SARFAESI Act").

The 1st opposite party is represented and places reliance upon the authorities in **Balkrishna Rama Tarle Dead through legal representatives and Anr. Vs. Phoenix ARC Private Limited & Ors.** reported in **(2023) 1 Supreme Court Cases, 662** and **Kotak Mahindra Bank Limited Vs. Girnar Currugators Private Limited** reported in **(2023) 3 Supreme Court Cases, 210.**

Copy of the application along with annexure thereto is served upon the learned counsel for the 1st opposite party in court this day.

Learned counsel for the petitioners submits that the order impugned was passed without granting them an opportunity of hearing.

Per contra, learned counsel for the opposite party submits that the revisional application is not maintainable before this Court and the petitioners should approach the Debts Recovery Tribunal having jurisdiction under Section 17 of the SARFAESI Act if they are aggrieved by the order impugned.

In view of the above, this Court is inclined to hold that since the order impugned has been passed by the learned Chief Judicial Magistrate, Calcutta under Section 14 of the SARFAESI Act, liberty is granted to the petitioner to approach the appropriate forum under Section 17 of the SARFAESI Act for redressal.

The revisional application being CRR No. 4825 of 2024 is disposed of as not maintainable.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)