

21.05.2024
court no. 28
serial no.74
kaushik

WPA 27536 of 2023

Niranjan Das & Anr.
Vs.
Union of India & Ors.

Mr. Haradhan Mondal
... .. for the petitioner

Mr. P. K. Roy
... .. for the respondent/Bank

It is the case of the petitioners that they availed financial assistance from respondent no. 2/Bank.

Respondent no. 2/Bank initiated proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002 and took possession of the mortgaged property. It was informed by the petitioner that the said property has already been auctioned. The petitioner preferred an RTI application seeking the details of the auction purchaser and other details. The respondent denied such information on the ground that the same is not covered under Section 2(f) of the Act of 2005.

Being aggrieved by the action of the respondent no. 2/Bank, the petitioner has preferred the present writ petition.

This Court heard the arguments advanced by the learned counsel for the petitioner and perused the documents from the record.

The SARFAESI proceedings initiated by the respondent no 2/Bank had already attained finality.

No further order can be passed in the said proceedings. Regarding the petitioners grievance against non-supply of documents under the Act of 2005, the respondent no. 2/Bank rejected the said request, however, no appeal has been preferred against the said order. Since there are two layers of statutory appeals provided under the Act of 2005, which is yet to be exhausted by the petitioner, this Court is not inclined to interfere in the present matter.

In view of the aforesaid, the present writ petition is dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Gaurang Kanth, J.)