

14.05.2024
court no. 28
serial no. 100
kaushik

WPA 27592 of 2023

**Ashadul Sk. & Anr.
Vs.
The State of West Bengal & Ors.**

None appears for the petitioners.

The petitioner filed the present writ petition seeking settlement of dispute with regard to outstanding loan payment.

It is the case of the petitioners that they availed a loan of Rs.51,30,000/- on 03.11.2021 from the respondent no. 3. The petitioner secured a loan for running a business.

It is the case of the petitioners that they are not able to successfully run their business and had suffered immense losses. Due to financial inability, they could not fulfil the outstanding loan amount. The respondent proceeded under the SARFESI Act, 2002 to recover the outstanding loan amount.

Since the dispute in question relates to the proceedings under SARFESI Act, 2002, the petitioner has its alternative remedy before the Debt Recovery Tribunal and the writ petition is not maintainable in view of the judgment of Hon'ble Supreme Court in **PHR Invent Educational Society Vs. UCO Bank** reported as **2024 SCC Online SC 528**.

As there is no representation on behalf of the petitioners before this Court, the instant writ petition is dismissed for default.

(Gaurang Kanth, J.)