

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

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12.09.2024

WPA 1936 OF 2024

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Ct. no.2

TATA CAPITAL HOUSING FINANCE LIMITED
Vs.
THE LEARNED DISTRICT MAGISTRATE,
DARJEELING AND OTHERS

Mr. Milindo Paul, Adv.
Mr. Nabankur Paul, Adv.
Ms. Sutapa Sen Paul, Adv.
Ms. Bedashruti Bose, Adv.
Mr. Subham Das, Adv.
Mr. Bodhisatya Ghosh, Adv.
....For the petitioner

Mr. Momenur Rahman, Adv.
Mr. Pradip Sarkar, Adv.
....For the State

Affidavit-of-service filed in Court today is taken on
record.

Mr. Nabankur Paul, learned advocate, appears for
the petitioner.

Mr. Momenur Rahman, learned advocate, appears
for the State.

None appears for the private respondent nos. 2 and
3.

The petitioner being the secured creditor submits
that there was default in repayment of loan advanced by
the petitioner in favour of the private respondents.

Provisions were invoked under the relevant provisions of **Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002**. The secured creditor/writ petitioner also applied under Section 14 of the said 2002 Act before the respondent no.1, who is the jurisdictional authority for enforcement of the secured assets. Though the statute provides for a time period of **60 days** for disposal of the said application by the respondent no.1 but the same has not yet been disposed of since **December, 2022**.

In view of the above, the respondent no.1 shall decide said application filed by the petitioner under Section 14 of the said 2002 Act and shall come to its logical conclusion by passing a reasoned order strictly in accordance with law within a period of **two weeks** from the date of communication of this order.

It is made clear that this Court has not gone into the merits of the claim of the petitioner or the rival claims of the private respondents in any manner.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

It is made clear that this order shall not create any right or equity in favour of the petitioner and the respondent no.1 shall decide the application on its own merit and without being influenced by any observation of this Court.

With the above observations and directions, this writ petition **WPA 1936 of 2024** stands disposed of, without any order as to costs.

(Aniruddha Roy, J.)