

OD-9

WPO/33/2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

CHOLAMANDALAM INVESTMENT AND FINANCE CO. LTD.
Vs
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 30th January, 2024.

Appearance:
Mr. Rajiv Kumar, Adv.
Mr. Mainak Chandra, Adv.
...for the petitioner

Mr. Risabh Karnani, Adv.
Mr. A. Ray, Adv.
...for the respondent Nos. 3 to 5

Ms. Tuli Sinha, Adv.
Ms. Sanchayita De, Adv.
...for State

The Court: Affidavit of service filed in Court today be kept on record.

At the outset, an adjournment is sought by Ms. Sanchayita De on behalf of the State. However, due to the innocuous nature of the present adjudication, such prayer is refused. The State shall regularise the appearance of Ms. Sanchayita De on behalf of the State for this particular matter. The petitioner/financial institution seeks an early disposal of its application under Section 14 of the SARFAESI Act which is pending before the concerned District Magistrate, that is, the respondent No.2

It is submitted by learned Counsel for the petitioner that the pendency has crossed the outer statutory limit.

Learned Counsel for the borrower submits that the borrower is willing to clear the dues by easy instalments.

However, despite having full sympathies for the borrower, even the powers of the District Magistrate, against whose inaction the present writ petition has been preferred, are extremely limited inasmuch as decision on an application under Section 14 is concerned. Hence, the writ Court, sitting on the action/inaction of the District Magistrate, has similar limited power in that regard. In any event, nothing in this order shall prevent the private respondent/borrower from approaching the petitioner and/or the tribunal for easy instalments.

Be that as it may, WPO/33/2024 is disposed by directing respondent No.2, the District Magistrate, North 24 Parganas to dispose of the pending application of the petitioner/financial institution under Section 14 of the SARFAESI Act, 2002 as expeditiously as possible, positively within three weeks from date.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

S.De