

OD 16

WPO/1851/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

RELIGARE FINVEST LIMITED
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 3rd January, 2024.

Appearance:
Mr. Sounak Ghosh, Adv.
Mr. Rajiv Kumar, Adv.
. . .for the petitioner.

Ms. Tapati Samanta, Adv.
. . .for the State.

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

The innocuous prayer in the writ petition is that the petitioner's application under Section 14 of the SARFAESI Act, has been kept pending inordinately.

It transpires prima facie that the application was filed before respondent no.2 the Chief Judicial Magistrate North 24 Parganas at Barasat whereas Section 14 contemplates that the application has to be filed before the District Magistrate. However, it would be premature to decide on such issue.

Accordingly, WPO 1851 of 2023 is disposed of by directing the respondent no.2 to dispose of the application of the petitioner under Section 14 of the SARFAESI Act pending before the respondent no.2 at the earliest, positively

within three weeks from the date of communication of this order to the said respondent. However, respondent no.2 shall, while so disposing, also decide on the issue on maintainability of the application before respondent no.2 first in terms of the observations made above.

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.)

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