

Court No. 6
(265719)

04.03.2025
(A 42)
(S. Banerjee)

CO 399 of 2025

Wizard E Marketing Pvt. Ltd. & Ors.
Vs.
Indiabulls Commercial Credit Ltd. & Ors.

Mr. Mainak Bose, Sr. Advocate
Mr. Soumik Sengupta
Mr. Shouvik Chakraborty

...for the petitioners

Mr. Arijit Bardhan
Mr. Avishek Guha
Mr. Ankush Majumder

...for the opposite parties

This application under Article 227 of the Constitution of India is at the instance of the borrower and is directed against an order being no. 33 dated January 9, 2025 by virtue of which an interlocutory application, challenging the order passed under Section 14(1) of the SARFAESI Act, stood rejected. It is not in dispute that an appeal lies against such order.

In view thereof, this Court is not inclined to entertain this application under Article 227 of the Constitution of India.

At this stage Mr. Bose, learned Senior Advocate appearing for the petitioners prays for leave to withdraw this application with liberty to approach the appropriate forum.

Mr. Bardhan, learned advocate appears for the opposite parties. He, however, does not oppose such prayer of Mr. Bose.

Mr. Bose, learned Senior Advocate, submits that there is a period of limitation prescribed under Section 18 of the SARFAESI Act and this application under Article 227 of the Constitution of India was filed within the statutory period fixed for preferring an appeal.

It will be open to the petitioners to make an appropriate application in this regard before the appropriate forum and if such an application is made, such forum shall consider the same in accordance with law.

As prayed for by Mr. Bose, CO 399 of 2025 stands dismissed as withdrawn with liberty to the petitioners to approach the appropriate forum in accordance with law.

(Hiranmay Bhattacharyya, J.)