

14.01.2025
Item No.32
gd/ssd

CPAN/985/2023
DEBABRATA PRADHAN
VS
DEBASISH GHOSH AND OTHERS
in
MAT/87/2021
DEBABRATA PRADHAN
VS
RESERVE BANK OF INDIA AND ORS.

Mr. Devajyoti Barman,
Ms. Sanjukta Basu Mallick
..for the Petitioner.

Mr. Debashis Saha,
Mr. Avirup Roy Sanyal,
Ms. Sucheta Pal
..for the alleged Contemnor Nos.1 & 3.

1. This contempt application has been filed alleging violation of the judgment order dated 4.5.2023 in MAT 87 of 2021.

2. The learned advocate for the petitioner vehemently contends that despite an order which was passed protecting the interest of the applicant in respect of a flat the respondent bank has proceeded to take action under Section 14 of the SARFAESI Act and the applicant has been dispossessed.

3. The correctness of the order passed under Section 14 of the SARFAESI Act cannot be decided in this contempt application.

4. As the applicant is aggrieved by such order, remedy has been provided under the provisions of the

SARFAESI Act to approach the learned Debt Recovery Tribunal.

5. Therefore, this contempt petition is disposed of leaving it open to the applicant to challenge the order passed under Section 14 of the SARFAESI Act before the appropriate forum, if so advised and if the application is filed before the learned Debt Recovery Tribunal, the learned Debt Recovery Tribunal may consider such application on merits without rejecting the same on the ground of limitation as the proceedings were pending before this court.

6. Affidavit-in-opposition is taken on record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)