

20.01.2025
Item No.6
gd/ssd

FMA/1155/2024
NIRMALYA CHAKRABORTY AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024

Mr. Subrata Mukhopadhyay,
Ms. Basabi Ray,
Ms. Manika Roy,
Ms. Ankita Chowdhury
..for the Appellants.

Mr. Suman Ghosh
..for the State.

Mr. S.Pal Choudhuri,
Ms. T. Paul,
Ms. S. Paul
..for the Bank.

1. This intra court appeal filed by the writ petitioners is directed against the order dated 20th June, 2024 in WPA 15955 of 2024.

2. The learned Single Bench after considering the prayer sought for has observed that the remedy for the appellant/writ petitioners are before the Debts Recovery Tribunal under the provisions of the SAFAESI Act, 2002 since the Bank of Baroda has obtained an order under Section 14 of the Act in the year 2012 and in the year 2016.

3. Thus, we find no ground to interfere with the impugned order.

4. However, as observed by the learned Single Bench, liberty is granted to the appellants to

approach the Debts Recovery Tribunal for appropriate relief.

5. If an application is filed, the Debts Recovery Tribunal may exclude the period during which the writ petition was pending as well as this appeal while computing limitation.

6. Accordingly, the appeal stands disposed of.

7. Affidavit of service is taken on record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)