

29.12.2022
item no.2
s.b
ct. no. 7

WPA 27464 of 2022

Pradip Nayek
-Vs-
Union of India & ors.

Mr. Kalyan Kr. Chakraborty
Mr. Ashok Halder ...for the Petitioner

Mr. Debasish Saha
Mr. Shiv Mongal Singh
Ms. Jahan Ara Kulsum
Ms. Afrin Ahmed
Ms. Moriam Senpui ...for the respondent

The writ petition has been instituted challenging the proceedings initiated by the Bank authorities in terms of the relevant provisions of the SARFAESI Act, 2002 questioning the notice issued by the respondent authorities against the petitioner.

It appears that the petitioner preferred another writ petition being WPA 18950 of 2022 and the same was disposed of on 2nd September, 2022 by passing an order by a co-ordinate Bench wherein the co-ordinate Bench has granted liberty to the petitioner for taking appropriate steps before the DRT for getting application heard expeditiously. It was further directed by the co-ordinate Bench that consideration of the application of the petitioner pending before the DRT to be done by 5th September, 2022 and respondent Bank was restrained from giving effect to the impugned notices till 9th September, 2022.

Today, at the time of hearing of the present writ petition, it has been submitted by the learned advocate representing the parties that the matter was heard on 23rd December, 2022 and the next date has been fixed before the DRT for further consideration on 6th January, 2023.

In consideration of the previous order passed by the co-ordinate Bench on 2nd September, 2022 and in order to protect the interest of the petitioner till the application pending before the DRT, is further considered, this court finds it appropriate to direct the respondent bank not to give any further effect to the impugned notices till 13th January, 2023. Such order is passed, keeping in view the order passed by the co-ordinate Bench dated 2nd September, 2022 in the writ petition being WPA 18950 of 2022 and in view of the pendency of the application before the DRT.

However, it is made clear that this court has not gone into the merits of the issue which is pending before the DRT for adjudication.

With the above direction, this writ petition stands disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)