

Money Suit– 19/2021
CNR : WBBD17-000036-2021
JO Code : WB00854

Order No –15

Dated : 26/07/2022

This day is fixed for mediation report.

Plaintiff files hazira.

Defendant no. 2 files hazira through their Ld. Advocate Sri Rajat Bhattacharya who has filed fresh vakalatnama this day. Let this be kept with the record.

Report has been received through e-mail from DLSA, Paschim Bardhaman vide letter no. 884/ DLSA/ PASBDN dated 25/07/2022 as “not settled”.

Let the suit proceed in accordance with law.

Defendant no. 2 files money receipt of Rs. 5,000/- from DLSA, Paschim Bardhaman.

It is pointed out by the Ld. Advocate of the plaintiff that such costs has been paid by the defendant no. 2 beyond the stipulated time.

Defendant no. 2 is directed to clarify this issue.

Defendant no. 2 also files a WO against the petition U/sec. 151 after service of copy upon the plaintiff.

Now, the record is taken up for hearing of the injunction application being IA 08 of 2022 dated 01/06/2022 as well as the petition U/ sec. 151 of C.P. Code being IA 09 of 2022 dated 05/07/2022.

The Ld. Advocate of the plaintiff has drawn the attention of the Court that the defendant no. 2 (Bank) has recovered excess amount of Rs. 2,00,62,312.78/- from the plaintiff company.

On the contrary the Ld. Advocate for defendant no. 2 submits that neither the civil Court can entertain nor pass any order against the action of the defendant (Bank) U/sec. 13(2) of the SARFAESI Act, 2002 .

He has further contended that the forum for seeking relief by the plaintiff in this regard would be governed by sec 17 of the said Act.

Contd/-

//2//

Money Suit– 19/2021
CNR : WBBD17-000036-2021

The Ld. Advocate of the defendant (Bank) seeks another date to complete the hearing of the injunction application.

Heard both these applications in-part.

Defendant no. 2 files copy of 13 (2) notice dated 14/06/2022.

Let this be kept with the record.

Fix **01/08/2022** for further hearing of these two applications/ petitions.

D/C by me

Judge, Commercial Court
Asansol

Judge, Commercial Court
Asansol