

AD-14
Ct No.09
24.05.2024
TN

WPA No. 12388 of 2024
IA No: CAN 1 of 2024

Shri Umang Kejriwal and another
Vs.
UCO Bank and another

Mr. Ratnanko Banerjee, Ld. Sr. Adv.,
Mr. Paritosh Sinha,
Mr. Saubhik Chowdhury,
Mr. Dhruv Chaddha,
Ms. Tapasika Bose

.... for the petitioners

Mr. Samriddha Sen

....for the respondent-UCO Bank

- 1.** In the application, the petitioners have sought for a stay of the impugned notices dated April 16, 2024, being Annexures P-1 and P-2 to the writ petition.
- 2.** Learned senior counsel urges that both the said notices are palpably time-barred, as evident from the date from when the debt was due as mentioned in the notices themselves.
- 3.** Learned counsel appearing for the respondent-Bank takes a preliminary objection as to the prayer made in the application being barred under Section 41 of the Specific Relief Act, 1963 read with Section 64 of the Insolvency and Bankruptcy Code, 2016.
- 4.** However, it is well-settled that the writ court has ample powers to interfere in cases where there is palpable and *ex facie* exercise of jurisdiction *de hors* the law and/or exercise without jurisdiction. The petitioners make out a

strong *prima facie* case of the respondents' action in issuing the notices being without jurisdiction inasmuch as the impugned notices were *ex facie* time-barred.

5. Thus, the objection as to jurisdiction of the writ court is turned down.
6. CAN 1 of 2024 shall be listed along with the writ petition bearing WPA No. 12388 of 2024 for hearing in the monthly list of July, 2024.
7. There shall be stay of operation of the impugned notices till July 31, 2024 or until further order, whichever is earlier.
8. The respondent(s) shall file their affidavit(s)-in-opposition by June 21, 2024; reply, if any, shall be filed by June 28, 2024.

(Sabyasachi Bhattacharyya, J.)