

Item Unlisted

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C)No.263 of 2023

M/S Associate Action for Progressive Development Society (AAPD), having its Office at Mao Gate, Senapati District, Manipur-795150 through its President namely A. Solomon aged about 61 years old, S/O Athikho, a resident of Mao Gate, P.O. & P.S. Mao, Senapati District, Manipur-795150.

...Petitioner

- Versus -

The Punjab National Bank (A Government of India Undertaking), Imphal Branch having its registered office at Circle Sastra Centre, Imphal, Kwakeithel Thokchom Leikai, Imphal West, P.O. Imphal, P.S. Singjamei, District-Imphal West, Manipur-795001 represented by its Chief Manager and 2 others.

...Respondents

**BEFORE
HON'BLE THE ACTING CHIEF JUSTICE M.V.MURALIDARAN
ORDER**

24.03.2023

[1] This matter has been taken up today on mentioning by Mr. H. S Paonam, learned senior counsel appearing for the petitioner on the ground of urgency.

[2] When the matter is taken up today, Mr. H. S Paonam, learned senior counsel appearing for the petitioner represented that originally an application

in Original Application No.491 of 2018 was filed before the learned Debts Recovery Tribunal, Guwahati and the same was ordered in favour of the respondent Bank on 28.11.2022. Against the said order dated 28.11.2022, the Registered Society/writ petitioner has filed the R.A. No.03 of 2022 and the same is pending for consideration.

[3] Apart from this, Mr. H. S Paonam, learned senior counsel appearing for the petitioner also further stated that there is a settlement is going on between the petitioner as well as the respondent Bank but while pendency of the said review application and settlement, the respondents issued the present impugned notice dated 27.02.2023 which came to the knowledge of the petitioner only on 08.03.2023 and hence, he has filed a Misc. Application (Diary No.225 of 2023) before the Debts Recovery Tribunal, Guwahati seeking for stay of the notification dated 27.02.2023. However, the same could not be taken up due to non-availability of the President of the Debt Recovery Tribunal, Guwahati which has jurisdiction to adjudicate the matter. Therefore, he approached this Court and filed this present writ petition seeking the prayer to stay the impugned notification dated 27.02.2023 since there is a review application pending before the Tribunal as well as settlement is going on between the writ petitioner and the respondent Bank.

[4] Considering the nature of arguments advanced by the learned senior counsel appearing for the petitioner and on perusal of the records, it is made clear that review application being R.A. No. 3 of 2022 is pending against the order dated 28.11.2022 passed in OA No. 491 of 2018 before the Debts Recovery Tribunal, Guwahati and settlement is going on under one

time settlement scheme of the Bank between the petitioner and the Bank and non-availability of the President of the Debts Recovery Tribunal, in the interest of justice, I am inclined to entertain this writ petition at this stage and pass the following orders.

(a) this writ petition is disposed of.

(b) the Debts Recovery Tribunal, Guwahati, is directed to number the Misc. Application(Diary No.225 of 2023) and to pass appropriate order within a period of 3(three) weeks from the date of receipt of copy of this order.

(c) Till such time, there shall be an order of interim stay of the impugned notification dated 27.02.2023.

[5] It is made clear that this Court is not given any opinion about the merits of the case and grant this interim order on the only ground of non-availability of the President of the Debts Recovery Tribunal, Guwahati and the Tribunal may pass appropriate order in the Misc. Case on its own merits.

[6] Registry is directed to issue copy of this order to the petitioner as well as to the respondents today itself.

ACTING CHIEF JUSTICE

John kom