

GAHC010101272020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3059/2020

ABHIGYA BOROOAH
D/O- SRI ANJAN KUMAR BOROOAH, R/O- FLAT NO. 5A, SUDHEKASHA
APARTMENT, GOPINATH NAGAR, GUWAHATI- 16

VERSUS

INDUSTRIAL DEVELOPMENT BANK OF INDIA LTD. AND 4 ORS
HAVING ITS REGD OFFICE AT IDBI TOWER, CUFFE PARADE WTC
COMPLEX, COLABA, MUMBAI- 400005 AND HAVING ITS NORTH EASTERN
ZONAL OFFICE AT GS ROAD, GUWAHATI- 05 REP. BY ITS DEPUTY
GENERAL MANAGER

2:PRIYO RANJAN DE
S/O- LATE PRANAB RANJAN DE
MD SHAH ROAD
PALTAN BAZAR
P.O- REHABARI
GUWAHATI- 08

3:SMARNA DE
W/O- LATE PRANAB RANJAN DE
MD. SHAH ROAD
PALTAN BAZAR
P.O- REHABARI
GUWAHATI- 08

4:RECOVERY OFFICER
DEBTS RECOVERY TRIBUNAL
SWARNA BHAWAN
H NO. 12
NEW TOWN PATH
ULUBARI

GUWAHATI - 07

5:M/S J G SPICES LTD
REP. BY ITS MD/DIRECTOR
MD. SHAH ROAD
PALTAN BAZAR
P.O- REHABARI
GUWAHATI- 0

Advocate for the Petitioner : MR. T ROY

Advocate for the Respondent : MR. R DE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

01.12.2023

Heard Mr. T. Roy, learned counsel for the petitioner. Also heard Mr. R. De, learned counsel for the respondent no.1 and Ms. J. Paul, learned counsel for the respondents.

This writ petition has been filed by the petitioner putting to challenge the order dated 20.01.2020 passed by the Recovery Officer, Debts Recovery Tribunal, Guwahati in OA no.3/2007. A joint petition was filed by the petitioner and the respondent nos. 2 & 3 seeking permission to sell the property covered by Dag no.4 KP Patta no.45 situated at Ulubari, Guwahati. The Recovery Officer directed that the sale price shall not be less than Rs.59,42,000/- (Rupees Fifty Nine Lakhs Forty Two Thousand) only and further directed to deposit Rs.15,00,000/- (Rupees fifteen lakhs) before the Tribunal with a joint application

for sale and the balance amount to be paid within 15 days. The petition filed by the petitioner as an intervener before the Recovery Officer was dismissed by the said order and being aggrieved, the present writ petition has been filed.

This Court by issuing notice on 10.08.2020 stayed the order dated 20.02.2020 passed by the Recovery Officer, Debts Recovery Tribunal, Guwahati in OA no.3/2007 until further orders. Subsequently, in view of the order dated 22.06.2022 passed by this Court, the petitioner paid an amount of Rs.15,00,000/- (Rupees fifteen lakhs) on 12.07.2022 before the Recovery Officer. It is submitted by the learned counsel for the petitioner that the balance amount would be paid by the petitioner along with the applicable interest by 15.01.2024.

Mr. R. De, learned counsel for the respondent no.1 does not object to the prayer made by the petitioner. Learned counsel for the private respondents also does not object to the prayer made.

In view of the limited prayer, without commenting on the merits of the case, the writ petition stands disposed of permitting the petitioner to deposit the balance amount along with the applicable interest by 15.01.2024. Till the amount is deposited and necessary applications confirming payment are filed before and orders thereon are passed by the Recovery Officer, DRT. The interim

order passed by this Court by order dated 10.08.2020 will continue. In the event, the petitioner fails to deposit the amount as directed above, the directions contained in the order dated 20.01.2020 passed by the Recovery Officer, Debts Recovery Tribunal, Guwahati in OA no.3/2007 will revive without any further reference to Court. The details of interest applicable may be furnished by the Bank within a period of 15 (fifteen) days from today.

JUDGE

Comparing Assistant