

GAHC010163482024



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

Case No. : WP(C)/4100/2024

ASHOK KUMAR BARNWAL
S/O SADABRICH BARNWAL
RESIDENT OF ITKHOLA SILCHAR, DIST CACHAR, ASSAM 788002

VERSUS

THE BANK OF INDIA AND ANR
REPRESENTED BY THE CHIEF MANAGER, BANK OF INDIA, ZONAL
OFFICE, SAIKIA COMMERCIAL COMPLEX, SREE NAGAR, G.S ROAD,
GUWAHATI

2:THE BRANCH MANAGER
THE BANK OF INDIA
CENTRAL ROAD
SHILLONG PATTY SILCHAR
DIST CACHAR
ASSA

Advocate for the petitioner(s): Mr. NH Laskar

Advocate for the respondent(s): Mr. A Ganguly

For respondent Nos.1 and 2

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

27.08.2024

Heard Mr. NH Laskar, the learned counsel appearing on behalf of the petitioner. Mr. A Ganguly, the learned counsel appears on behalf of the respondent Nos.1 and 2.

2. The instant writ petition has been filed by the petitioner being aggrieved by the order dated 14.06.2024 whereby the learned Presiding Officer of the Debt Recovery Tribunal, Guwahati had rejected the request for filing the written statement cum evidence on affidavit on the ground of Section 19(5)(i) of the Recovery of Debts and Bankruptcy Act, 1993 (for short, the Act of 1993).

3. It is seen from the impugned order itself that on 02.04.2024, the petitioner herein who was the respondent in those proceedings had appeared by filing vakalatnama and sought time for filing the written statement cum evidence on affidavit, which was permitted. Thereupon the matter was listed on 02.05.2024 and 15.05.2024, but no written statement cum evidence on affidavit was filed.

4. Even on 14.06.2024 there was no written statement filed and verbally time was sought for which was rejected by the learned Tribunal.

5. In view of the above, the conduct of the petitioner does not inspire this Court to entertain the instant writ petition by exercising the writ jurisdiction under Article 226 of the Constitution. Accordingly, the instant writ petition stands dismissed.

6. Be that as it may, the dismissal of the instant writ petition shall not preclude the petitioner to avail such remedies as are available under the provisions of the Act of 1993.

7. Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant