

GAHC010166402018



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

Case No. : WP(C)/5099/2018

SAGAR SAIKIA AND ANR.
PROPRIETOR OF M/S GOOD FOODS CO, S/O. LT. TARA PRASAD SAIKIA,
R/O. HOUSE NO. 16, HONEY DEW, PROGOTI PATH, RUPNAGAR,
GUWAHATI-781032.

2: SMT. SABITA SAIKIA

PROPRIETOR OF M/S GOOD FOODS CO
W/O. SAGAR SAIKIA
R/O. HOUSE NO. 16
HONEY DEW
PROGOTI PATH
RUPNAGAR
GUWAHATI-781032

VERSUS

IDBI BANK AND 2 ORS.
IDBI TOWER, WTC COMPLEX CUFFEE PARADE, MUMBAI-400005.

2:IDBI BANK

GUWAHATI MAIN BRANCH
G.S. ROAD
GUWAHATI-781005.

3:THE LEARNED RECOVERY OFFICER

HONORABLE DEBT RECOVERY TRIBUNAL
GHY.-03
FIRST FLOOR
APSARA BUILDING
DR. B BARUAH ROAD GUWAHATI-78100

Advocate for the Petitioner : MR. S MITRA

Advocate for the Respondent : MR. S DUTTA (R1 & R2)

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

09.02.2024

The instant writ petition has been filed by the petitioner seeking a direction upon the respondent Bank and, more specifically, the respondent No.2 to enable the petitioner to deposit Rs.10,31,812/- within 31.08.2012 and further to direct the respondent Bank to mutually discuss and settle the remaining payment of the liability of the petitioner towards the respondent Bank.

It appears from the records that a judgment had been passed by the learned Debt Recovery Tribunal (for short, DRT), Guwahati on 30.03.2016 in OA No.120/2013, wherein a recovery certificate was issued in favour of the respondent Bank for a sum of Rs.23,32,130.36/- along with interest, *pendent elite* and future interest @ 13.50% per annum with quarterly rests till realization. Thereupon, the records do not reveal that the said judgment of the learned DRT, Guwahati has not been put to challenge. On the other hand, on 14.07.2016, a certificate has been issued against the petitioner for an amount of Rs.35,08,513.20/-.

Under such circumstances, it is the opinion of this Court that the question of issuance of appropriate directions upon the respondent Bank to accept the particular amount and to mutually settle the dispute with the petitioner cannot

be issued in exercise of the jurisdiction under Article 226 of the Constitution of India. Accordingly, the instant writ petition, therefore, stands dismissed.

JUDGE

Comparing Assistant