

GAHC010229282024



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

Case No. : WP(C)/5990/2024

M/S HOTEL RAATDIN
REP. BY ITS PARTNER AND POWER OF ATTORNEY HOLDER SRI CHAYAN
BHATTACHARJEE, AGED 61 YRS,
S/O- LATE CHITRA MANGAL BHATTACHARJEE,
R/O- KALIBARI ROAD, P.O AND P.S- DHARMANAGAR, DIST- NORTH
TRIPURA, TRIPURA, PIN-799250

VERSUS

TRIPURA GRAMIN BANK AND ANR
REP. BY ITS GEN. MANAGER, AIRPORT ROAD, AGARTALA, P.O-
ABHOYNAGAR, WEST TRIPURA, PIN-799005

2:BRANCH MANAGER
TRIPURA GRAMIN BANK

DHARMANAGAR BRANCH

KALIBARI ROAD
P.O AND P.S- DHARMANAGAR
DIST- NORTH TRIPURA
TRIPURA
PIN-79925

Advocate for the Petitioner : MR. S SAIKIA, MR U DAS

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18.11.2024
(N. Unni Krishnan Nair)

Heard Mr. U. Das, learned counsel for the petitioner.

The present writ petition has been instituted by the petitioner being aggrieved by an order dated 13.05.2024, passed by the learned Debts Recovery Tribunal, Guwahati in S.A. No. 85/2023.

On perusal of the materials brought on record, we find that the issue involved in the present proceedings relates to the loans sanctioned by Tripura Gramin Bank to the petitioner institution, which is situated at Kalibari Road, Dharam Nagar, North Tripura. The respondent no. 1 bank is also situated in Tripura. We find that in a connected matter involved in the transactions that are involved in the present proceedings, the petitioner had invoked the jurisdiction of the Hon'ble High Court of Tripura by way of instituting WP(C)/819/2021. The cause of action in the matter, having arisen within the jurisdiction of the High Court of Tripura and no cause of action having so arisen within the jurisdiction of this Court, the petitioner would not be entitled to invoke the jurisdiction of this Court, against an order passed by the Debts Recovery Tribunal, Guwahati, inasmuch as, the said Tribunal is so set up for the States of Assam, Nagaland, Meghalaya, Manipur, Mizoram, Arunachal Pradesh and Tripura.

Accordingly, a challenge to the order dated 13.05.2024, passed by the learned Debts Recovery Tribunal, Guwahati in S.A. No. 85/2023, in our considered view, would not be maintainable before this Court and the petitioner

would be required to institute appropriate proceedings before the High Court of Tripura in the matter. This Court would have no jurisdiction to consider the issues arising in the present writ petition and accordingly, the writ petition would not be maintainable.

In view of the above conclusions, the present writ petition is dismissed on the ground of maintainability with liberty granted to the petitioner to approach the appropriate forum for redressal of its grievances.

JUDGE

JUDGE

Comparing Assistant