

(11)
08.09.2020
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)

CO 1172 of 2020

South Indian Bank & anr.

-versus-

M/s. Sagar Trading Co. & ors.

Mr. Avishek Guha,
... for the petitioners

Mr. Ranjan Kali,
Ms. Anindita Maity,
... for M/s. Sagar Trading Co.

The petitioners are aggrieved by an order passed by the Debts Recovery Tribunal No. 1, Kolkata in SA No. 258 of 2018 at 5 : 30 P.M. on August 07, 2020 directing the parties to maintain status quo till the next date of hearing.

Mr. Avishek Guha, learned counsel appearing for the petitioners, submits that the petitioners had participated in the proceeding in the first half of August 07, 2020 when the Tribunal directed the opposite parties to give reasonable/workable/viable OTS proposal with upfront money within seven days after consultation with the bank but the said order was changed behind the back of the petitioners at 5:30 P.M. on the same date and a

direction upon the parties to maintain status quo till the next date of hearing was passed.

On perusal of the order dated August 07, 2020 passed at 5:30 P.M it appears that the Tribunal has directed the parties to maintain status quo till the next date of hearing by correcting its earlier order passed on the self-same date while doing so has treated the same as a typographical error.

The petitioners are disputing that it was a typographical error as no such order was passed earlier. The nature of allegation demands that the petitioners should approach the Tribunal first for redressal of their grievances.

CO 1172 of 2020 is disposed of by granting liberty to the petitioners to apply before the Debts Recovery Tribunal No. 1, Kolkata seeking variation and/or modification of the order date August 07, 2020 passed at 5:30 P.M.

If such an application is made within a week from date, the Tribunal is directed to dispose of the same within a week thereof.

There shall be no order as to costs.

It is made clear that the existence of the order dated August 07, 2020 passed at 5 : 30 P.M. will not prevent the petitioners from taking steps to put the assets in question under auction.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)