ORDER SHEET

IN THE HIGH COURT AT CALCUTTA

Ordinary Original Civil Jurisdiction

ORIGINAL SIDE

WPO 265/2020
IA NO. GA/1/2020
OLD NO.GA/1208/2020

PIYASH MUKHERJEE
Versus
BANK OF INDIA

BEFORE:
The Hon'ble JUSTICE BIBEK CHAUDHURI
Date : 21st September, 2020.

Appearance:
Mr. Nirmalya Dasgupta Adv.
Mr. D. N. Dey, Adv.
Ms. Pallavi Pain, Adv.
... for the petitioner.

Mr. Aritra Kumar Roy, Adv.
Mr. Agniv Sinha, Adv.
... for the bank

The Court : By way of one time settlement, dispute between the petitioner and the respondent bank has been settled and the petitioner has already deposited entire dues. The bank authority is now under obligation to hand over the title deeds of the property which was mortgaged with the bank on payment of entire settlement amount. It is submitted on behalf of the bank that two proceedings before the Debt Recovery Tribunal, Kolkata were initiated by the bank against the petitioner for non-payment of dues and in the said two proceedings the title deeds are deposited. The title deeds are to be withdrawn from the file of the said two proceedings and those are to be handed over to the petitioner. It is, however, further submitted by the learned Advocate for the bank that it is up to the recovery officer and the Registrar of the Debt Recovery Tribunal, Kolkata to pass order for return of the said two original title deeds which were filed before the Tribunal. But the recovery officer and the Registrar are not functioning during the covid pandemic.

It is matter of great surprise that the officers of a Tribunal are not sitting to discharge their quasi judicial and administrative functions taking advantage of covid pandemic for a long time and due to such unfortunate state of affairs prevailing in Debt Recovery Tribunal, Kolkata, the parties are suffering.

The instant writ petition is accordingly disposed of directing the Recovery Officer and the Registrar of the Debt Recovery Tribunal, Kolkata to act in the matter of returning the title deeds of the petitioner in accordance with law upon filing of appropriate application by the bank authority within two months from the date of this order.

The bank authority is directed to send report before the CIBIL to upgrade the score of the petitioner in view of one time settlement.

The instant writ petition is thus disposed of on contest however without cost.

(BIBEK CHAUDHURI, J.)

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