

09.02.2021
Court No. 19
Item No.8
CP

C.O. 240 of 2021

Mr. Arun Kumar Kar & anr.
vs.
The Authorised Officer, UCO Bank &
anr.

Mr. Amitava Mukherjee
Ms. Arpita Saha
Ms. Ankita Ghosh

....for the petitioners.

This revisional application has been filed challenging an order dated January 14, 2021, passed by the Presiding Officer, DRT-3, Kolkata.

The petitioners are aggrieved because the learned tribunal did not take up IA No. 32 of 2021 and IA No. 34 of 2021, filed in connection with S.A. No. 221 of 2020, for an urgent hearing and for passing an urgent interim order for reasons stated in the said applications. According to the petitioners, who are the borrowers, the bank had given an undertaking to the effect that as the matter was pending before the learned tribunal, the bank would not take any coercive measures. The petitioners further contended that the matter was fixed on November 25, 2020 for hearing. On that day, the matter was not taken up as the learned tribunal did not sit and the matter was posted for hearing on January 19, 2021. Despite such undertaking, the bank took possession of the property, conducted an

e-auction and has also issued the sale certificate. The petitioners tried to bring the above fact to the notice of the learned tribunal by filing the applications but the learned tribunal fixed the application nos. IA 32 of 2021 for hearing by making certain caustic remarks against the petitioners. The learned tribunal has not at all taken up IA No. 34 of 2021 for hearing. The petitioners pray that orders may be passed directing the bank not to proceed further with the sale.

This court does not think it appropriate to pass the orders on the applications filed by the petitioners which are pending adjudication before the learned tribunal. At this stage, prayer is made for direction upon the learned tribunal for expeditious disposal of IA No. 32 of 2021 and IA No. 34 of 2021.

Under such circumstances, without going into the merits of the claims of the petitioners, the revisional application is disposed of with a direction upon the learned tribunal to dispose of IA No. 32 of 2021 and IA No. 34 of 2021 within a month from the next date fixed. The learned tribunal will also decide whether an ad-interim order should be passed under the facts and circumstances pleaded, upon giving an opportunity to the bank to contest the proceedings. The learned Tribunal will proceed independently and in accordance with law without being influenced by this order.

The revisional application is disposed of. There shall be no order as to costs.

Petitioners are directed to serve a copy of the revisional application along with the server copy of this order upon the opposite party within seven days from date.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities.

(Shampa Sarkar, J.)