

21.04.2021
SL No.1
Court No.17
(gc)

FMAT 95 of 2021

**IDBI Bank Limited
Vs.
Diptish Basu Associates (OPC) Pvt. Ltd.**

(Via Video Conference)

Mr. Chayan Gupta,
Mr. Kausik De,
Mr. Mohini Majumder,
Mr. Saptarshi Kumar Mal,
Mr. Roshan Pathak,
...for the Appellant.

This matter has come at the instance of appellant for correction of the order dated 18th March, 2021.

In the last sentence of the first page, the name of the **Development Consultants Pvt. Ltd.** shall be replaced by **‘DC Industrial Plant Services Private Limited’**.

It is submitted on behalf of the appellant that this Court has incorrectly recorded the submission of the appellant to the extent that in view of the order passed by the Civil Court, no actual physical possession could be taken, although the submission was that the appellant had taken actual physical possession of the property in question prior to the filing of the suit and continue to remain in possession of the property till date but the appellant has been restrained by the Civil Court not to put up the said property for sale.

Be that as it may, nothing really turns on the direction that we have passed and it is not a relevant consideration at this stage to revisit the issue. We have not gone into the

merits as to whether the possession has actually taken by the appellant or not. Since nothing really turns around on the submission made on behalf of the appellant with regard to the possession of the property in question, we simply record the submission of the appellant and nothing more.

The order dated 18th March, 2021 is corrected to the extend mentioned aforesaid.

Let this correction be incorporated and formed part of the order dated 18th March, 2021.

The department shall record disposal of the appeal and the application in terms of the order dated 18th March, 2021 and the said matter shall not be shown as pending.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)