

4th August, 2021
(AD 17)
(SKB)

**C.O. 673 of 2020
(Via Video Conference)**

**Purabi Debbarma Ghosh and others
Versus
Tripura Gramin Bank and others**

Mr. Anirban Roy,
Ms. Kakali Samajpaty,
Ms. Sangita Jangra,
Ms. Sudipa Samanta,
Mr. Ritwick Dey

... for the petitioners.

The limited grievance of the petitioners is that, despite the Tripura High Court having passed a limited order of *status quo*, relegating the petitioners to the Debts Recovery Appellate Tribunal situated in West Bengal and granting the liberty to the petitioners to seek appropriate orders from the appellate tribunal, including interim orders in the pending appeal, the appellate tribunal is not taking up the petitioners' application for such interim order and has been postponing the date of hearing of the same, thereby putting the petitioners at the peril of the order impugned before the Debts Recovery Tribunal (DRT) being executed prior to hearing of the appeal.

It appears from the tenor of the Division Bench order of the Tripura High Court dated November 26, 2019, rendered in WP(C) 1199 of 2019, that the specific intention of the said high court was to grant a limited breathing-space to the petitioners by way of *status quo*, in

order to grant the petitioners an opportunity of having their grievance ventilated before the appellate tribunal before the impugned award was executed. That being so, there was no occasion and/or reason for the appellate tribunal to unnecessarily delay the matter, particularly since the petitioners have already availed of the liberty granted by the Tripura High Court and filed an application for interim order. For the ends of justice, such application should be taken up at the earliest.

In view of the innocuous nature of the order thus proposed to be passed, no prior service of the notice on the opposite parties is deemed necessary.

C.O. 673 of 2020 is disposed of by directing the Chairperson, Debts Recovery Appellate Tribunal at Kolkata to dispose of the pending interlocutory application(s) in connection with Appeal No.159 of 2019, as expeditiously as possible, positively within a fortnight from the date of communication of this order to the said tribunal. It is made clear that in the event the regular presiding officer of the appellate tribunal is not present, it will be open to any officer in charge of the said Bench to ensure due compliance of this order.

The parties as well as the tribunal shall act on the written communication of the learned advocate for the petitioners, accompanied by a server copy of this order, without insisting upon prior production of a certified copy.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)