

48
26.07.2021
TN

CO No.1321 of 2021

Palki Hotel & Restaurant Private Limited and
others

Vs.

Tata Capital Financial Services Limited

(Via video conference)

Mr. Jishnu Chowdhury,
Mr. Mayukh Maitra,
Mr. Ratul Das

.... for the petitioners

Mr. Nimish Mishra,
Mr. Avishek Guha

.... for the opposite party

It appears at the outset, upon hearing learned counsel for both sides, that the impugned order of the tribunal is appealable.

Learned counsel appearing for the opposite party intimates this court that the appellate forum is now functioning.

It is submitted by learned counsel for the petitioners that the petitioners do not have all the connected papers filed by the opposite party in connection with the SARFAESI proceeding, to enable the petitioners to prefer an appeal.

Hence, the opposite party shall provide copies of all the relevant documents pertaining to the proceeding before the tribunal to the petitioners, directly or through their respective advocates, appearing either in this court or the tribunal, during the course of the day.

CO No.1321 of 2021 is dismissed as not maintainable, with liberty to the petitioners to approach the appellate forum at the earliest.

It is expected that the opposite party shall wait for a reasonable time, that is, at least five days, before an order under Section 14 of the said Act, if not already passed, in order to enable the petitioners to prefer an appeal, although the merits of the matter are not gone into.

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

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)