

02,DL,Ct.18
07.09.2021
AJ.

C.O. 1440 of 2021

(Through Video Conference)

Manoj Kumar Jayaswal & Anr.

-Vs-

IDBI Bank Limited & Ors.

Mr. Souritra Ganguly,

Mr. Kaushik Bhatta.

....for the petitioners.

Mr. Ashok Kumar Dhandhanian,

Ld. Senior Advocate,

Mr. Debasish Chakraborty,

Mr. Biplab Guha.

.....for the opposite party no.1/
IDBI Bank Ltd.

The order dated July 28, 2021 passed by the learned Presiding Officer, Debts Recovery Tribunal-I, Kolkata in I.A. No. 1246 of 2021 arising out of O.A. No. 124 of 2016 is under challenge in the present application under Article 227 of the Constitution of India.

The Tribunal on an application by the opposite party no. 1, bank directed the sale of the hypothecated assets which includes a private Aircraft.

The Tribunal by the order impugned has directed different Government Authorities to submit their report on the said Aircraft to ascertain its condition.

Learned counsel for the petitioners strenuously argued that the said authorities are neither parties to the main proceeding which is in the nature of a suit nor they are necessary or

proper parties to the main proceeding, therefore, the Tribunal has exceeded its jurisdiction in inviting reports from the said authorities. He argues that the steps taken by the Tribunal goes to the root of the matter to the detriment of the petitioners.

The Tribunal is conducting the sale of the said Aircraft and in doing so is bound to ascertain the condition of the said Aircraft as it is necessary to assess the value of the said Aircraft, as such the question whether the authorities from whom the Tribunal has sought for report in respect of the condition of the said Aircraft are necessary or proper parties is of no relevance.

The present revisional application is absolutely frivolous, as such is liable to be dismissed with costs.

C.O. 1440 of 2021 is **dismissed with costs of Rs.10,000/-** to be paid by the petitioners to the opposite party no.1/IDBI Bank Limited within a period of one week from date.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)