

MAT 1302 of 2021
With
CAN 1 of 2021
Omega Transmission Pvt. Ltd.
Vs.
Canara Bank & Ors.
(Through Video Conference)

Mr. Suddhasatva Banerjee
Mr. Prantik Garai
Mr. Radhey Shyam Tiwari
Ms. Komal Toshniwal

... ... for the appellant

Mr. Siddhartha Banerjee
Mr. Dipankar Das
Ms. Sanjana Nandi

... ... for the respondent no. 1

This appeal is directed against the order of the learned Single Judge dated 01.12.2021 whereby WPA 9786 of 2021 has been dismissed on the ground of availability of alternate remedy.

A perusal of the petition reveals that the appellant had challenged the order dated 29th October, 2018 passed by the District Magistrate under section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Against such an order the appellant has remedy of appeal under section 17 of the Act. It is pointed out by learned counsel for the respondents that SA No. 25 of 2018 at the instance of the appellant is already pending before the DRT and the appellant by filing the application dated 22nd December, 2020 has already challenged the order of the District Magistrate dated 29th October, 2018.

In this view of the matter, we are of the opinion that the appellant should prosecute the alternate remedy

available before the DRT and for which the appellant has already filed an appropriate application. He cannot be permitted to avail the parallel remedy against the same order before this Court also.

At this stage learned counsel for the appellant has sought liberty to prosecute his remedy before the DRT.

Prayer is allowed. The appeal is disposed of granting liberty to the appellant to prosecute the remedy before DRT.

It is made clear that DRT will examine the issue raised by the appellant on its own merits without being influenced by any observation made by the learned Single Judge.

The appeal being MAT 1302 of 2021 along with CAN 1 of 2021 are accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)