

Sl. No. 27
29.11.2021
Court No. 2
Sourav

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A. 2239 of 2021
(Via Video Conference)**

**Sudipta Sengupta
Vs.
The Registrar,
Debt Recovery Tribunal & Ors.**

**Mr. Ankan Mitra
Mr. Kunal Jeet Bhattacharjee
...For the Petitioner.**

**Mr. Debabrata Dhar
...For the Respondent no. 4.**

**Mr. Prasanta Joarder
... For the Respondent Nos. 2, 3, 6 & 7.**

This is an application challenging an order dated July 15, 2021 passed by the Presiding Officer, Debt Recovery Tribunal ("DRT"), Siliguri.

By the impugned order, it has been held *inter alia* that there is no infirmity in the sale notice and the respondent Bank has been directed to proceed and conduct the sale in accordance with law.

It is submitted on behalf of the petitioner that since no Presiding Officer is available before the appropriate fora i.e., DRT, the petitioner was compelled to approach this Court and seek necessary redressal.

The respondent-bank is represented and submits that an Appropriate Bench of the DRT is and has been available and there is no question of the petitioner not having the Regular Forum contemplated under the Act.

I have heard the parties.

I am of the view that the petitioner has an available alternative, efficacious statutory remedy under the provisions of the Debts Recovery Tribunal Act. As such, there is no question of a Writ Court exercising any discretion in favour of the petitioner.

In view of the aforesaid, WPA 2239 of 2021 stands dismissed. Liberty is granted to the petitioner to avail of its remedy in accordance with law, if so advised before the Appropriate Tribunal.

(Ravi Krishan Kapur, J.)