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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(Via Video Conference)

W.P.O. No. 168 of 2021

ZONAL SOLUTION PRIVATE LIMITED
Versus
PUNJAB NATIONAL BANK AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date : 22nd April, 2021.

Appearance:
Mr. Debashis Banerjee, Adv.
...for the petitioner

The Court : Learned counsel appearing for the petitioner submits that due service has been effected on the respondents. The petitioner is granted leave to file the affidavit of service during the course of the day.

The grievance of the petitioner is that respondent no. 3 is not taking steps for execution and registration of a sale deed in favour of the petitioner despite two subsisting orders by the concerned Debts Recovery Tribunal and the Appellate Tribunal.

It is evident from the records that both the Tribunal and the Appellate Tribunal specifically observed that the deed of conveyance in favour of the present petitioner (respondent no. 2 in the appeal) was prior to that of the appellant, and the borrower of the appellant derived no right, title or interest in respect of the property in dispute.

As such, since none appears for the respondents despite service and in view of the nature of the proposed order being innocuous, the writ petition need not be kept pending indefinitely.

Accordingly, WPO No. 168 of 2021 is allowed, thereby directing the respondent no. 3 to complete the process of execution and registration of the transfer deed in favour of the petitioner, pursuant to the order of the Debts Recovery Appellate Tribunal dated February 22, 2019 passed in Appeal no. 89 of 2019 as expeditiously as possible, positively within three months from the date of communication of this order to the said respondent. The petitioner shall ensure immediate communication of this order to the concerned respondent to ensure compliance of the same.

The respondents shall act on the communication of the learned Advocate for the petitioner and/or server copy of this order instead of pressing for prior production of a certified copy thereof.

There will be no order as to costs.

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

(SABYASACHI BHATTACHARYYA, J.)