

OD - 6

ORDER SHEET

WPO 385 of 2020

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

LOUDON PROPERTIES (P) LIMITED
VS.
INDIA SME ASSETS RECONSTRUCTION COMPANY LIMITED AND ORS

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 21st January, 2021

Appearance:

Mr. Samrat Chowdhury, Adv.

Ms. R. Seal, Adv.

...for the petitioner

The Court: Despite service, none appears on behalf of the respondents. Affidavit-of-service filed in Court is taken on record.

The petitioner's contention is that, despite having preferred an appeal before the Debts Recovery Tribunal against an order passed by the concerned Recovery Officer, and having filed ancillary applications, such appeal and applications have been kept pending for an inordinately long period, thereby causing severe prejudice to the petitioner.

Although there is no absolute bar to the exercise of jurisdiction under Article 226 of the Constitution of India in spite of availability of alternative remedy, it has been held time and again that this Court abstains

from doing so under normal circumstances by virtue of self-imposed restriction when an equally efficacious alternative remedy is available in law.

However, for the sake of judicial propriety, it will be appropriate if the Tribunal disposes of the petitioner's appeal and applications expeditiously. Accordingly, WPO 385 of 2020 is disposed of by directing the Debts Recovery Tribunal – I, Kolkata, to dispose of interlocutory applications, bearing nos.674 of 2020 and 675 of 2020 and IA Nos. 676 of 2020 and 677 of 2020, pending before the said Tribunal in connection with Miscellaneous Appeal No.5 of 2019 and Miscellaneous Appeal No.1 of 2020, as expeditiously as possible, positively within a month from communication of this order to the Tribunal.

The petitioner shall communicate a server copy of this order to the concerned Tribunal at the earliest to ensure due compliance of the same.

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 of all necessary formalities.

(SABYASACHI BHATTACHARYYA, J.)