

03.02.2022.
Court No.13
Item No. 1
ap

**W.P.A. No. 1019 of 2022
(Through Video Conference)**

**State Bank of India
Versus
Debts Recovery Tribunal No.I, Kolkata & Ors.**

Mr. Om Narayan Rai,
Mr. Soumya Ray,
Mr. Santosh Mahato.

...For the petitioner.

Mr. Nimesh Mishra.

...For the respondent no.2.

Affidavit-of-service filed in Court today be taken
on record.

The petitioner has made an innocuous prayer in
this writ petition.

Counsel for the respondent no.2, fairly agrees
and submits that the prayer of the petitioner is
justified and he himself joins in praying before this
Court accordingly.

It appears that S.A. No. 2 of 2015 was taken up
by the Debts Recovery Tribunal No.III, Kolkata upon
assignment from time to time. The matter has been
fixed for further consideration on 22nd February, 2022.

It is submitted that on two earlier occasions, the
matter was required to be adjourned by the Debts
Recovery Tribunal No.III, Kolkata for paucity of time
and other reasons.

A direction is sought upon the Debts Recovery
Tribunal No.III, Kolkata to hear and dispose of S.A. no.

2 of 2015 and pending interim applications on the fixed date i.e. 22nd February, 2022. It is alternatively prayed that the matter be assigned to any other Tribunal.

This Court notes that since the matter has been substantially heard by the Debts Recovery Tribunal No.III, Kolkata. It would therefore be inappropriate to transfer this matter, given the urgency pleaded, to any other DRT at Kolkata.

This Court, therefore, directs the Debts Recovery Tribunal No.III, Kolkata to hear out and dispose of S.A. No. 2 of 2015 along with all the interim applications on 22nd February, 2022 i.e. the date on which the matter already fixed or any prior date, that may be convenient of the Debts Recovery Tribunal No.III, Kolkata with due notice to all the parties.

It is made clear that no accommodation shall be given to any of the parties on the date fixed. It is also made clear that this Court has not in any way entered into the rival claims of the petitioner on merits in any manner whatsoever. The DRT III shall proceed to decide the matter independently in accordance with law.

Since no affidavits have been called for by this Court, the allegations contained in this writ petition against the respondents shall not be deemed to have been admitted by them.

In view of the above, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)