

11.04.2022
Item No.7
Ct. No.7
CHC
(disposed of)

**C.O.185 of 2022
(Physical Hearing)**

**Victory Iron Works Limited
Vs.
Canara Bank & ors.**

Mr. Arijit Bardhan,
Mr. S. K. Bajoria,
Mr. Rishabh Dutta Gupta
...for the petitioner

Mr. Anirban Pramanick
...for the opposite party no.1

The subject-matter of challenge is against the order dated 21st December, 2021, passed by the learned Presiding Officer-in-Charge, Debts Recovery Tribunal-I, Kolkata in I.A.2449 of 2021/O.A.38 of 2005.

Mr. Bardhan, learned advocate appearing for the petitioner submits that the moment, when the impugned order was challenged before this Court, there was no Presiding Officer posted to Debts Recovery Tribunal.

Mr. Anirban Pramanick, learned advocate appearing for the opposite party no.1 submits that Debts Recovery Tribunal has already resumed its function and the legality of the impugned order cannot be challenged upon resorting to Article 227 of the Constitution of India, as sought to be done in this case.

Mr. Bardhan, learned advocate appearing for the petitioner proposes to pass an interim order simply to

ensure interim protection of the petitioner till the appeal is preferred before the appellate body.

When Debt Recovery Tribunal and its appellate body have already resumed ordinary function, the matter may be relegated to concerned Debt Recovery Appellate Tribunal.

Liberty is given to petitioner to approach the appellate body in accordance with the provisions of the law within fifteen (15) days from the date of this order.

The points involved in this revisional application are not gone into by this Court, and the same are left to be decided by the appellate body in accordance with the provisions of the law, providing sufficient opportunity of hearing to either of the parties to this case. Till such time, the DRT should not pursue the matter. If the appeal is not preferred within such time, as granted, both D.R.T. concerned and its appellate body will be free to proceed with this case in accordance with the provisions of the law.

With this observation/directions, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)