

21.03.2022

Ct. No. 13

Sl.20

pk

W.P.A. 2306 of 2022

**M/s. S. Guhasarkar & Co. and others
Versus
Union of India & another**

Mr. Anindya Lahiri,
Mr. Mainak Ganguly,
Ms. Sulagna Mukherjee,
Ms. Pranati Das

....for the petitioners.

Mr. Dayashankar Mishra,
Mr. S. S. Roy

...for the Union of India.

Mr. Avishek Guha,
Ms. Akansha Chopra

... for the respondent no. 2.

Counsel for the petitioner submits that since the Debts Recovery Appellate Tribunal is now functional, his client shall approach the Tribunal.

While considering the appeal for admission under Section 18 of the SARFAESI Act, 2002, the Tribunal shall reckon the time spent in this proceeding and the decision of the Hon'ble Supreme Court which directed the High Courts to entertain the matters pertaining to the Debts Recovery Appellate Tribunal, as Chairman was not appointed at the relevant point of time.

It is made absolutely clear that this Court has not gone into the merits of the claim and counter claim of the parties.

With the aforesaid observations, the writ petition is disposed of.

There will be no order as to costs.

(Rajasekhar Mantha, J.)