

S/L 2
07.11.2022
Court No.652
SD

CO 644 of 2020

M/s. Anant Trading Company & Ors.
Vs.
Punjab and Sind Bank

Mr. Arijit Bardhan
Mr. Rishobh Dutta Gupta

...for the Petitioner.

Ms. Reshmi Ghosh
Ms. Tutul Das
Mr. Ranjit Singh
Mr. Amar Singh
Mr. Suman Chakraborty
Ms. Pooja Sett

...for the Opposite Party.

Being aggrieved by the order no.25 dated December 19, 2019 passed by the Presiding Officer, Debts Recovery Tribunal (DRT)-III, Kolkata in O.A. 15 of 2014, the present revisional application has been preferred.

In the said proceeding before DRT I.A./553/16 was moved by defendant No. 1 & 2 with the prayer for dismissal on the ground of maintainability and to stay further proceeding of O.A./15/14 till disposal of said petition. Presiding officer DRT by the impugned order was pleased to dismiss said I.A./553/16 on the ground of non-service.

At the time of hearing, learned counsel appearing for the opposite party/bank raised a preliminary objection contending that the petitioner has alternative remedy under Section 20 of the recovery of Debts due to Banks & Financial Institutions Act, 1993 and the petitioner without availing the said provision has preferred this revisional application which is not maintainable. It is further agitated before the court that under Article 227 of the Constitution of India also the present revisional application

is not maintainable, since the petitioner has alternative remedy before the appropriate forum.

It is not disputed that when the revisional application was preferred before this court by the petitioner, at that time the appellate tribunal was not functioning and as such, petitioner had no other option but to prefer the revisional application before this court. It is submitted that the appellate forum has now started functioning.

In view of the aforesaid facts and circumstances, the revisional application being C.O. 644/2020 is hereby disposed of giving liberty to the petitioner to approach before the Debt Recovery Appellate Tribunal (DRAT) within 30 days from the date of receipt of the order.

The DRT-III, Kolkata is directed not to proceed with the further proceeding in OA 15 of 2014 for a period of 30 days.

There will be no order as to costs.

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

(Ajoy Kumar Mukherjee, J.)