

Ct. 05
Item No.20
29.07.2022
(suvendu)

WPA 16926 of 2022

Surajit Dey & Anr.
Vs.
Canara Bank & Anr.

Mr. Samrat Mukherjee
Ms. Paramita Datta
Mr. Sourajit Dasgupta
.....for the petitioners
Mr. Bishwambhar Jha
.....for the respondent Bank

The petitioners seek relief against a Notice of Sale dated 28.06.2022. The petitioners have already filed an application before the Debts Recovery Tribunal –III.

Learned counsel appearing for the petitioners however submits that the DRT –III is not functioning and the Member has demitted the office on 15th July, 2022.

Learned counsel appearing for the Bank submits that the petitioners were aware of the impugned Notice and the earlier Notices under Sections 13 and 14 of the SARFAESI Act, 2002.

Upon hearing learned counsel and considering the fact that the DRT –III which is the statutory forum and is the efficacious alternative remedy available to the petitioners under the

SARFAESI Act, 2002 is presently not functioning, there shall be a limited stay of the Notice of Sale dated 28.06.2022 till one week after a new Member assumes office of the DRT –III or the matter is assigned to any other Bench of the DRT.

The Bank shall be at liberty of taking steps for expediting the matter before the DRT.

WPA 16926 of 2022 is disposed of in terms of the above.

It is made clear that this Court has not gone into the merit of the case.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)