

Ct. 05
Item No.13
01.08.2022
(suvendu)

WPA 17059 of 2022

Ananta Sadhukhan
Vs.
The Union of India & Ors.

Ms. Pampa Dey (Dhabal)
.....for the petitioner
Mr. Shiv Mangal Singh
.....for the respondent nos. 3 & 4
Mr. Rishabh Seth
.....for the respondent no.1

The affidavit of service is taken on record.

The petitioner seeks an interim order in respect of an E-auction Sale Notice published on 23.06.2022 where the E-auction sale was fixed for tomorrow, i.e. 02.08.2022.

Learned counsel appearing for the petitioner submits that the petitioner filed an appropriate application under the SARFAESI Act, 2002 for relief before the DRT -III but the DRT -III is presently not functioning since the Member has demitted the office some time in July, 2022.

The Bank is represented and learned counsel submits that the petitioner owes a substantial amount to the Bank.

Upon hearing learned counsel, this Court is not inclined to enter into the controversy since the petitioner has a statutory efficacious remedy available to it under Section 17(1) of the SARFAESI Act, 2002. However, considering the fact that the DRT -III is presently not functioning and the E-auction sale is due to take place tomorrow, i.e. 02.08.2022, there shall be a limited stay of the E-auction Sale Notice dated 23.06.2022 till one week after the new Member assumes the office of the DRT -III or the petitioner's pending application is assigned to any other Bench of the DRT. The Bank is also at liberty to take steps for expediting the matter in the DRT.

WPA 17059 of 2022 is disposed of in terms of the above.

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

(Moushumi Bhattacharya, J.)