

03.08.2022
sayandeep
Sl. No. 21
Ct. No. 05

WPA 17505 of 2022

Orion Tradecom Private Limited & Ors.
-Versus-
Debt Recovery Tribunal-III & Ors.

Mr. N. Mishra
Mr. Gourav Singh
Mr. Bratin Kr. dey

.....for the petitioners

Mr. Varun Kothari

.....for the State

The petitioners have challenged an order passed by the District Magistrate , South 24 Parganas dated 6th August, 2021. The reason for approaching the writ Court is that the statutory forum available to the petitioners namely, DRT-III is presently not functioning. Learned counsel places several orders of the DRT-III by which the petitioners were given an interim protection by way of the Bank being directed to give 15 days' notice before taking any coercive measure against the petitioners.

Learned counsel appearing for the Bank submits that interim relief subsisted only till 19.04.2022 and not thereafter and hence there is no bar on the Bank to proceed in accordance with law.

Upon hearing the submissions made on behalf of the parties, two applications are pending before the DRT-III. First application resulted in the interim order of 16.03.2022 and the second application was filed

against the communication of the Bank dated 26.03.2022 by which the effort of the petitioners to regularize its account was rejected by the Bank. The petitioners also approached the DRT-III against this communication. It is also undisputed that the DRT-III has not been functioning since June, 2022 and none of the applications could proceed beyond June, 2022. The second application which was fixed for 19.04.2022 also could not taken up before June, 2022 from which time onwards the DRT-III ceased to function. The petitioner cannot be without a remedy.

Although this Court is not inclined to enter into the merits of the controversy as the petitioners have an efficacious alternative remedy available to them, this Court is inclined to pass an interim order of protection until the DRT-III starts functioning namely a new Member is appointed as the office bearer or until the pending applications of the petitioners are assigned to any other Bench. The Bank shall also be at liberty of expediting the proceedings before the DRT-III.

WPA 17505 of 2022 is accordingly disposed of with the direction on the Bank not to take any steps against the petitioner as mentioned above.

It is made clear that the Court has not gone into the merits of the matter.

(Moushumi Bhattacharya, J.)