

12th August, 2022
(D/L No.14)
(SKB)

W.P.A. 18132 of 2022

M/s. Biswayan Traders and others
Versus
Bank of Baroda and others

Mr. Tilak Mitra,
Ms. Susmita Pal

... for the petitioners.

The affidavit of service is taken on record.

The petitioners have challenged an order passed by the District Magistrate, North 24 Parganas, pursuant to which the petitioners received a message from the Deputy Commissioner of Police(HQ), Barrackpore on 27th July, 2022 that the order of the District Magistrate would be executed on 16th August, 2022 which is Tuesday of the coming week.

Learned counsel appearing for the petitioners submits that the property is located at Khardah, North 24 Parganas, within the jurisdiction of DRT-III and the DRT-III presently is not functioning.

The application filed by the petitioners before the DRT-III on 5th August, 2022 is also placed before the court to show that the petitioners have challenged the order of the District Magistrate and has also averred the submissions thereto including the message dated 27th July, 2022.

Since DRT-III admittedly is not functioning since June, 2022, the petitioners cannot be without remedy. The respondent Bank is hence restrained from taking any steps in furtherance of the order dated 13th January, 2021 of the District Magistrate, North 24 Parganas until the pending application of the petitioners is assigned to any other Bench of the DRT or the DRAT is pleased to assign the matter before any other Bench under Section 17(1)(A) of The Recovery of Debts and Bankruptcy Act, 1993. The petitioners are directed to take appropriate steps to ensure that the application is heard by a Bench of DRT. The Bank shall also be at liberty of expediting the proceedings.

W.P.A.18132 of 2022 is disposed of in terms of the above. The petitioners shall communicate this order on the respondents forthwith.

(Moushumi Bhattacharya, J.)