

29.08.2022

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WPA 18258 of 2022

M/S Venus Home Applicances Pvt. Ltd. & Anr.

-Vs-

The Union of India & Ors.

Mr. Soumen Kr. Dutta,
Mr. Subham Dutta

... for the petitioners

Mr. Ajit Kumar Mishra,
Mr. Abhishek Acharya,
Mr. Abhishek Dey

... for the respondent nos. 1 & 2

Mr. Vikram Wadehra

... for the respondent no. 3/Bank

The petitioners have challenged two orders passed by the Recovery Officer, Debts Recovery Tribunal-III on 18th April, 2022 and 27th April, 2022. The petitioners claim to be the tenants of the borrower (landlord) and sought to intervene in an application filed by the borrower before the DRT. By the order dated 18th April, 2022, the intervention application was dismissed and the recalling application of the said order was rejected on 27th April, 2022.

The petitioners submit through learned counsel that the Presiding Officer of the DRT-III has demitted office and hence, the petitioners require urgent relief.

Considering the objection to such relief taken by learned counsel appearing for the respondent Bank and the fact that no documented effort has been shown on the part of the petitioners to have the matter heard before 15th July, 2022 when the Presiding Officer of the DRT-III demitted office, this Court deems it fit to grant a limited order of stay against the two impugned orders for a period of two weeks from date. The petitioners shall have the liberty of approaching the Debts Recovery Appellate Tribunal under Section 17-A(2) of The Recovery of Debts and Bankruptcy Act, 1993 under which the Chairperson of the Appellate Tribunal having jurisdiction may transfer any case from one Tribunal for disposal to any other Tribunal on an application made by any of the parties. The respondent Bank shall not take any steps against the petitioners during the pendency of the interim order granted by this Court.

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

WPA 18258 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)