

31.08.2022
sayandeep
Sl. No. 03
Ct. No. 05

WPA 19115 of 2022

Mrs. Leena Lucy Das
-Versus-
UCO Bank & Anr.

Mr. Biswaroop Bhattacharya
Mr. Debashis Banerjee
Mr. Indranil Rowchowdhury
Mr. Supreem Naskar
Ms. Nilabja Sarkar

.....for the petitioner

Mr. Rudradev Bagchi
Mr. Ratul Bhattacharjee

.....for the respondents

The petitioner challenges an e-auction sale notice of 20th July, 2022 by which the e-auction was due to take place on 24th August, 2022. The undisputed facts are that the petitioner filed an application under Section 17 of the Securitisation Act, 2002 sometime in 2019. The petitioner did not take much interest in the said application thereafter. The impugned Notice was challenged by way of an application filed before the DRT-III on 12th August, 2022. The petitioner sought to mention the matter before the writ Court on 22nd August, 2022 but was asked to approach the regular Bench.

Learned counsel appearing for the respondent Bank seeks to rely on a Notification dated 30th August, 2022 providing that all matters of the DRT-III shall be taken up by the Presiding Officer of DRT-I. It is also submitted that the e-auction took place on 24th August,

2022 and the respondent has taken steps pursuant to the same.

Considering the fact that the petitioner is already before the DRT-III by way of an initial application as well as a later application against the e-auction sale notice which could not be taken up by the DRT-III by reason of the DRT-III not functioning in June and July, 2022, the petitioner is entitled to a limited interim relief.

The respondents shall not give any further effect to the e-auction sale notice dated 20th July, 2022 until 12th September, 2022. The petitioner shall file an application under Section 17-A(2) of The Recovery of Debts and Bankruptcy Act, 1993 before the appropriate forum in the meantime.

WPA 19115 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)