

16th September, 2022
(S/L No.1)
(SKB)

W.P.A. 21640 of 2022

M/s Bajrang Lal Agarwala and another
-Versus-
Punjab National Bank and another

Mr. Prantik Gorai,
Mr. Ananya Sinha,
Ms. Mou Saha

... for the petitioners.

Mr. Ronojit Choudhury

... for the Bank.

The petitioners were given interim protection by way of an order passed by this court on 16th July, 2022.

The Bank issued a 'Notice of Sale' thereafter on 11th August, 2022 where the last date of bidding was fixed on 15th September, 2022 and the e-auction of the property was conducted on 16th September, 2022, which is today.

The petitioners moved an application before the DRT-3 on 6th September, 2022 and the matter was listed on 13th September, 2022 before the DRT Cuttack Bench. The DRT Cuttack Bench did not sit on 13th September, 2022 as also on 15th September, 2022, which is yesterday. The matter has been posted on 19th September, 2022. The e-auction of the petitioners' property is fixed today i.e. 16th September, 2022.

Since the petitioners have been deprived of the statutory forum available to them under the SARFAESI

Act, 2002, the petitioners are entitled to a limited interim order.

The Bank is accordingly restrained from taking any further steps under the 'Notice of Sale' and e-auction until 20th September, 2022. The date is by way of the reason that the next date of hearing is on 19th September, 2022. The Bank is at liberty of taking all points before the DRT Cuttack Bench with regard to the conduct of the petitioners.

W.P.A.21640 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)