

OD-5

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1130/2022

M/S. ALUMINIUM INDUSTRIES (ASSAM) PVT. LTD. AND ANR.
VERSUS
ASSETS RECONSTRUCTION COMPANY INDIA LIMITED AND ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 1st March, 2022

Appearance:
Mr. Prabhat Sil, Adv.
Mr. Debdut Mukherjee, Adv.
Mr. Kaushik Banerjee, Adv.
Ms. Rashmita Sen, Adv.

Mr. Victor Dutta, Adv.

The Court :- The writ petitioner is aggrieved by execution proceedings in RP No. 10 of 2015 arising out of OA No. 539 of 2011.

It is submitted that the execution in respect of immovable property should be taken up before the Tribunal having territorial jurisdiction over the property in question.

In the instant case it is the DRT having jurisdiction over Tinsukia in Assam that must execute the decree.

The normal remedy of the petitioner lies before the Debts Recovery Appellate Tribunal. Since the Chairman of the Tribunal has been appointed and is likely to take charge very soon, the writ petition is allowed to be withdrawn and dismissed as not pressed with liberty reserved to the petitioner to approach the Debts Recovery Appellate Tribunal in respect of self-same cause of action.

The Recovery proceedings shall however remain stayed for a period of one week from date only.

(RAJASEKHAR MANTHA, J.)

mg/S. Chandra