

ORDER SHEET

WPO/2543/2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

GOODLUCK HOSIERY MILLS PVT LTD AND ANR
Versus
THE PRESIDING OFFICER, DEBTS RECOVERY TRIBUNAL,
KOLKATA AND ANR

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : September 8, 2022.

Appearance:

Mr. Gautam Mitra, Adv.
Mr. Rishad Medora, Adv.
Mr. Meghajit Mukherjee, Adv.
Ms. Priyanka Sharma, Adv.
...for the petitioners

Ms. Soni Ojha, Adv.
Ms. Sambrita B. Chatterjee, Adv.
...for the respondent no.2

The Court: Affidavit-of-service filed in Court today is taken on record.

The petitioners seek extension of the protection given by this Court on 26th July, 2022 in WPO/2369/2022 by which the finance company was restrained from taking any steps against the petitioners in terms of the notices issued by it until the Member of the DRT-III resumes office or till one week after the charge of DRT is handed over to any other Bench. The protection also extended to the petitioners' pending application being assigned to an existing and functioning Bench of the DRT.

According to learned counsel appearing for the petitioners, although the matters pending before DRT-III have been assigned before the Presiding Officer, in-charge of DRT-I, by a Notice dated 1st September, 2022 and by a subsequent Notice of 2nd September, 2022, the Presiding Officer of DRT-I was stated to be on leave till 6th September, 2022. Counsel relies on a status report which shows that the next date of hearing is on 21st September, 2022.

Learned counsel appearing for the FI places a Notice of 5th September, 2022 by which urgent matters shall be heard on a put up basis by the Presiding Officer of DRT, Siliguri upon certain conditions.

After considering the relevant three notices, it appears that the petitioners have an efficacious statutory remedy under the Securitization Act, 2002 as well as a forum which was made available to the petitioners first by the Notice of 1st September, 2022 and then by 5th September, 2022. There is no doubt that the petitioners took expeditious steps pursuant to the order passed by this Court on 26th July, 2022 but at the same time the petitioners should have been aware of the Notice dated 5th September, 2022 by which the urgent matters would be heard by the Presiding Officer of DRT-I. The notice also makes it clear that the petitioners are saved of the difficulty of having to physically travel to Siliguri since the notice provides for cases being heard virtually.

Considering the relevant factors together with the fact that the petitioners' matter is now listed on 21st September, 2022 DRT-I, the petitioners can at best be protected till 12th September, 2022 for the petitioners to take suitable steps. The petitioners shall have the liberty of

approaching the available forum under the relevant notices and urge all their points before the said statutory forum.

WPO/2543/2022 is disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)

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