

20.02.2023
Ct. 5
D/L 6
ab

WPA 4188 of 2023

M/S Vishal & Vishal

-Vs-

Punjab National Bank & Ors.

Mr. Biswaroop Bhattacharya,
Mr. Kanak Kiran Bandyopadhyay,
Mr. Shuvanil Chakraborty

... for the petitioner

Ms. Parna Roy Choudhury

... for the respondent Bank

Mr. Shamit Sanyal,
Mr. Sabyasachi Roy

... for the respondent no. 6

The limited relief sought for by the petitioner is for giving the petitioner time to approach the Debts Recovery Appellate Tribunal (DRAT) against a notice of possession dated 13th February, 2023 which the petitioner says that the petitioner received on 16th February, 2023. The writ petition was filed on 17th February, 2023.

Learned counsel for the petitioner submits that the petitioner was unable to take steps before the DRAT due to technical reasons. Counsel hands up an email of 17th February, 2023 written to the Registrar of the DRAT containing the reasons for the petitioner's inability to file the proceeding before the DRAT. Counsel

also places an order of a coordinate Bench dated 6th January, 2023.

The respondent Bank is represented.

It appears from the order dated 6th January, 2023 passed by a learned Judge of this Court that the petitioner was given liberty to approach the DRAT or the DRT as the case may be in accordance with law. The petitioner was also given liberty to move the DRAT for early hearing of the pending applications.

The petitioner obviously has taken steps for moving the matter before the DRAT after five weeks from the date of the order passed by the coordinate Bench. However, since the petitioner has already gone before the DRAT, the matter should be heard out by that forum on merits.

WPA 4188 of 2023 is disposed of with liberty given to the petitioner to move the DRAT by 22nd February, 2023. This order shall be communicated to the DRAT for facilitating the liberty given to the petitioner. It is expected that the respondent Bank shall not take any steps until the DRAT hears out the matter but which shall not be beyond 24th February, 2023.

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

(Moushumi Bhattacharya, J.)