

21.03.2023
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Sl. No. 05
Ct. No. 05

WPA 6017 of 2023

Awadh Behari Giri & Anr.
-Versus-
Punjab National Bank & Ors.

Mr. Sandip Ghosh
Mr. Debayan Ghosh
.....for the petitioners

Mrs. Parna Roy Chowdhury
.....for the PNB

The facts as stated by learned counsel appearing for the petitioners show that the respondent Bank issued a notice of sale on 15th December, 2022 fixing the sale on 25th January, 2023. The petitioners filed an application before the DRT-III in December, 2022 but are unable to show any evidence of the fact that the petitioners made any effort to have the said application heard by DRT-III between December, 2022 and 28th February, 2023. The petitioners are not even sure when the application was filed before the DRT-III.

Learned counsel appearing for the petitioners submits that DRT-III is not functioning.

Learned counsel appearing for the respondent Bank hands up a notification of 20th March, 2023 of the Ministry of Finance, Government of India which records that Presiding Officers have been entrusted additional charge of both DRT-II and DRT-III on and from yesterday, i.e., 20th March, 2023.

The petitioners cannot be given any protection since the statutory forum available to the petitioners is not the writ court but the Debts Recovery Tribunal.

In any event, according to learned counsel appearing for the Bank, the sale has already taken place and sale certificate was issued on 3rd February, 2022.

WPA 6017 of 2023 is accordingly disposed of with liberty to the petitioners to approach the DRT-III and seek appropriate relief therein.

The petitioners will be at liberty to take recourse to all statutory provisions under the SARFAESI Act, 2002 and the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.

(Moushumi Bhattacharya, J.)