24.03.2023
sayandeep
Sl. No. 10
Ct. No. 05

WPA 6303 of 2023

M/S Spice of Joy & Ors.
-Versus-
Indian Bank & Anr.

Mr. Suman Saha
....for the petitioners

Mr. Shiv Mangal singh
Mr. Moriram Sanfui
.....for the Bank

The urgency of the matter relates to a proposed sale of the petitioners' asset which is due to take today, i.e., 24th March, 2023. The impugned sale notice is of 3rd March, 2023 and published on 4th March, 2023.

The petitioners filed its first application before the Debts Recovery Tribunal sometime in 2021 and was favoured with an interim order on 8th September, 2021. The interim order was continued till 8th November, 2021. Learned counsel appearing for the petitioners submits that the petitioners filed an interlocutory application on 6th March, 2023 before the DRT challenging the sale notice of 3rd March, 2023. Counsel submits that DRT-III, before which the application was made, is presently not sitting.

Learned counsel appearing for the Bank places an order of 16th February, 2023 which does not record whether the interim order was extended. Counsel submits that the Bank has also taken a point of maintainability of the original application filed by the petitioners in 2021.

Upon considering relevant facts, this Court is of the view that whether the interim order is continuing or the original application has become infructuous are issues which have to be decided by the DRT. What is material is that DRT-III, which is to decide the fate of the application, is not sitting as of today.

The pending application filed by the petitioners cannot be rendered infructuous by the Bank taking steps in terms of the impugned notice of sale.

WPA 6303 of 2023 is accordingly disposed of with a direction on the Bank not to take steps in terms of the impugned notice of sale or any publication thereto until 29th March, 2023.

Needless to say, the Court has not gone into the merits of the matter.

(Moushumi Bhattacharya, J.)