

20.03.2023
sayandeep
Sl. No. 02
Ct. No. 05

WPA 6392 of 2023

Softel Overseas Private Limited & Ors.
-Versus-
Indian Bank & Ors.

Mr. Nimish Mishra
Mr. Amitesh P. Ray
Mr. Ankit Chatterjee

.....for the petitioners

Mr. Debashish Chakraborty
Mr. Sukanta Ghosh
Mr. Argya Chatterjee

..... for the respondent-Bank

The petitioners seek relief against a sale notice of 1st March, 2023 and a publication of the sale notice dated 3rd March, 2023. The sale has been fixed today, i.e., 20th March, 2023. The petitioners filed an interim application in the pending proceedings against the sale notice of 1st March, 2023 on 14th March, 2023. A Notification of the Ministry of Finance dated 30th August, 2022 indicates that the Presiding Officer of DRT-I would be entrusted with the additional charge of the concerned DRT in the present case which is DRT-III till 28th February, 2023.

The interim application has been made returnable on 16th August, 2023. According to learned counsel appearing for the petitioners, the interim application was not considered by the DRT at all.

The respondent-Bank is represented.

Since the petitioners' interim application filed on 14th March, 2023 has been made returnable on 16th August, 2023 and there is no Presiding Officer in DRT-III at the present moment, the Bank cannot take steps to make the application infructuous. The Bank is accordingly restrained from taking any steps pursuant to the impugned sale notice until one week after charge is given to a Presiding Officer of DRT-III.

WPA 6392 of 2023 is disposed of in terms of the above.

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

(Moushumi Bhattacharya, J.)