

15.12.2023
Sl. No.13(DL)
srm

C.O. No. 3529 of 2023
Tirupati Marketing & Anr.
Versus
State Bank of India

Mr. Rajarshi Dutta,
Mr. V.V.V. Shastry,
Mr. Rahul Poddar

...for the Petitioners.

Ms. D. Lahiri

...for the Opposite Party/SBI.

Affidavit-of-service is taken on record.

The revisional application was entertained as the petitioners submitted that the order dated September 26, 2023 was passed by the learned Presiding Officer, Debts Recovery Tribunal-I, Kolkata reserving O.A. No.31 of 2000 for judgment, without giving them any opportunity to advance their arguments in the OA.

Ms. Lahiri, learned Advocate for the opposite party/bank, submits that the arguments were advanced by both the parties and the learned tribunal had reserved the judgment, upon completion of hearing.

This Court, by an interim order, directed that the judgment should not be delivered till November 30, 2023.

Liberty was given to the bank to file an application for variation, vacation or modification of the order passed by this Court on October 10, 2023.

Till date no such application has been filed.

Ms. Lahiri submits that the matter can be decided on its own merits. She further submits that huge amount is due and payable to the bank. The matter had been fixed for *ex parte* hearing. Such contentions are disputed by Mr. Dutta.

The question as to whether the petitioners were heard or not, is a factual aspect, which is not possible for this Court to determine. There is nothing on record which would indicate so. However, for the ends of justice, as the petitioners have approached this Court with the request that an opportunity be given to them, this Court is of the view that one opportunity should be given to the petitioners to advance their arguments in O.A. No.31 of 2000.

The contention of the bank, also cannot be ignored especially, as the alleged claim of the bank runs into a few crores.

For the ends of justice, and in consonance with the principles of natural justice, the revisional application is disposed of by directing the Presiding Officer, Debts Recovery Tribunal-I, Kolkata, to post O.A. No.31 of 2000 for hearing on

any particular date suitable for the learned Bench and allow the petitioners to advance their arguments, which shall be completed within the course of the day. The bank shall be allowed an opportunity to give their reply.

The entire exercise shall be completed in one day and the learned tribunal shall then proceed to deliver judgment.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)