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17.11.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 25771 of 2023

Rudra Bhattacharya & Anr.

Vs.

The Authorised Officer,
Bank of India & Ors.

Mr. Rudra Bhattacharya

... petitioner no. 1 in person

Mr. Billwadal Bhattacharyya,

Mr. Tapan Bhanja

...for the Union of India

Mr. Ramesh Chandra Prusti,

Ms. Smriti Das,

Ms. Alisha Kar,

Ms. Mahuya Ghosh

...for the respondent Bank

1. The petitioner no. 1, appearing in person with leave of Court, alleges that he has been running from pillar to post over a long period of time litigating before the Debts Recovery Tribunal (DRT) as well as before the Debts Recovery Appellate Tribunal (DRAT), Kolkata.

2. The S.A. of the petitioners along with connected applications were pending over a prolonged period and, ultimately, the petitioners had to obtain several directions from this Court, upon which the DRT ultimately decided the S.A. along with the connected applications.

3. However, it is argued that the woes of the petitioners did not end there. Although previously the DRAT itself had directed the S.A. and the connected applications be decided within a period of ten days, if necessary by taking up the matter on day-to-day basis, the appellate forum itself is giving long dates, At present, it is argued that two appeals bearing Appeal No. 45 of 2023 and Appeal No. 466 of 2023 are pending at the behest of the petitioners before the DRAT.

4. It is submitted on behalf of the Registrar of the DRT that Appeal No. 45 of 2023 is fixed on December 06, 2023 and Appeal No. 466 of 2023 is next scheduled on January 03, 2024.

5. It is contended that ultimately the orders of this Court were complied with. A report as per previous direction is filed today by the Registrar of the DRT.

6. Learned counsel for the Tribunal also hands over a photocopy of a server copy of an order dated July 07, 2023 where apparently a coordinate Bench rejected a review application of the petitioners by imposing a token cost of Rupee 1/- on the petitioners payable to the DRAT, apparently for abuse of the process of Court by filing repeated contempt applications.

7. Even without going into the merits of the contentions of the parties, the anxiety of the petitioners as litigants is appreciable.

8. However, at the same time, we also have to keep on balance the extreme paucity of officers manning the various Tribunals and the huge pressure of work on the Tribunals.

9. Be that as it may, since December 06, 2023 has been fixed as the next date for deciding the question of waiver of pre-deposit of the statutory amount by the petitioners in connection with Appeal No. 45 of 2023, the purpose of justice would be sub-served if the said application is decided on the very same date and the appeal itself is disposed of as expeditiously as possible thereafter.

10. Accordingly, W.P.A. No. 25771 of 2023 is disposed of by directing the DRAT, Kolkata to decide on the question of waiver of pre-deposit of statutory amount in Appeal No. 45 of 2023 on the next date fixed, that is, on December 06, 2023 itself. Thereafter, the appeal itself should be taken up for hearing expeditiously and shall positively be disposed of by January 31, 2024.

11. Insofar as Appeal No. 466 of 2023 is concerned, the same shall also be disposed of positively within January 31, 2024.

12. It is made clear that no adjournment shall be granted in either of the matters to either party, except for extreme exigencies, if so arise.

13. It is made clear that the aforesaid time-frame is peremptory and mandatory and shall be adhered to, to the best of the powers of the DRAT.

14. The parties shall act on the server copy of this order without insisting upon prior production of a certified copy thereof.

15. There will be no order as to costs.

16. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)