

02.11.2023

Sl. 15

Ct.No. 07

KB/Amalranjan

C.O. 4014 of 2023

M/s. Sofine Transformers  
Pvt. Ltd. and ors.

Vs

India Sme Asset Reconstruction  
Company Limited and ors.

Mr. Avirup Chatterjee.....for the petitioners

Learned advocate for the petitioners is  
present.

Heard learned advocate for the petitioners.

This application is directed against the order dated 13.10.2023 passed by learned Debts Recovery Appellate Tribunal, Kolkata in Transfer Petition No. 05 of 2023. Although under Section 17A(2) of the Recovery of Debts and Bankruptcy Act, 1993 notice is required to be issued in deciding the application under Section 17A(2) with regard to transfer of any petition, but the fact that the notice was already issued upon the respondents prior to moving transfer petition No. 05/2023 before the Chairperson of Appellate Tribunal and the fact that the none of the respondents appeared before the said appellate tribunal in the transfer petition, this court is of the view that service of further notice may be dispensed with in the instant case as the matter involves a transfer of a pending case.

It is the contention of the petitioners that in terms of the judgment dated 6.9.2023 passed by this court, it is necessary that SA No. 191/2017 pending before the Debts Recovery Tribunal II Kolkata to be decided afresh by the learned Tribunal, but the said application could not be decided in compliance to the order of this court as the post of the Presiding Officer of Debts Recovery Tribunal II Kolkata is lying vacant.

Upon perusal of the order passed by the learned Chairperson, Debts Recovery Tribunal Kolkata, it appears that the learned Chairperson was pleased to observe that this matter does not fall within the category of urgent matters as the urgency in this matter is that third party interest may be created by the purchaser, although no such plea is made out before the Debts Recovery Tribunal, Kolkata.

Upon considering the facts of the case, this court is of the view that some elements of urgency is there in this particular application for which the matter pending before the DRT II Kolkata should be transferred to any other tribunal in the interest of justice.

Thus, this application stands disposed of.

SA 191/2017 pending before the DRT II Kolkata is transferred to DRT III Kolkata for disposal in accordance with law.

Necessary steps be taken by the office of DRT II Kolkata to send the records to DRT III Kolkata for disposal of the case expeditiously.

( Biswaroop Chowdhury,J. )