

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 26403 of 2023

M/s. Purno Gouri Cold
Storage Pvt. Ltd. & Ors.

Vs.

Union Bank of India & Ors.

Mr. Snehasish Chakraborty
...for the petitioner

1. Learned counsel appearing for the petitioners challenges a sale by way of e-auction on several grounds including that sufficient notice was not given to the petitioners. That apart, the requisite time under law for redemption was never given.
2. It transpires from the notice annexed at page 192 of the writ petition that the date of the same was November 09, 2023, thereby leaving sufficient time, although the petitioners received the same apparently on November 15, 2023.
3. However, since learned counsel for the petitioners submits by placing reliance on a notice dated November 28, 2023, that is, today, that the Presiding Officer of the Debts Recovery Tribunal-II, Kolkata has been lying vacant and the charge of the said Bench has been given to the Presiding Officer of the Debts Recovery Tribunal, Siliguri for six months, which notice was served on the petitioners

only today, for the ends of justice, W.P.A. No. 26403 of 2023 is disposed by restraining the respondents from issuing any sale certificate pursuant to the impugned sale, which is to be held tomorrow. The outcome of the sale shall abide by the result of the challenge made by the petitioners before the Debts Recovery Tribunal.

4. Such restraint order regarding issuance of sale certificate shall operate till December 15, 2023 or until further order by the concerned Tribunal, whichever is earlier.

5. It is made clear that this order has been passed on an *ad hoc* basis merely to afford protection to the petitioners to ventilate the petitioners' challenge before the appropriate forum and the *prima facie* case of the parties have not been gone into by this Court. It will be open to the Tribunal to independently decide the issue regarding the interim orders as well as the main matter as and when the same arises before the said Tribunal, without being influenced in any manner by the grant of the present order.

6. All parties shall act on the server copy of this order, coupled with a written communication of the learned advocate for the petitioners, without insisting upon prior production of a certified copy thereof.

7. The printouts of the e-notices, the notification dated November 28, 2023 and the affidavit of service filed today by the petitioners be kept on record.

8. There will be no order as to costs.

9. 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.