

01(CB)
26.07.2023
mb

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Side

W.P.A. No. 1377 of 2023
with
IA No. C.A.N. 1 of 2023

Dhrubajyoti Das
Vs.
The Union Bank of India & Ors.

Mr. Debabrata Dhar,
Mr. P.K. Roy,
Mr. Ankur Mitra,
Ms. Paramita Sahu.....for the petitioner

In view of extreme urgency pleaded by the petitioner, the matter is taken up for hearing as a motion.

Due to non-availability of the main writ petition, the copy of the same annexed to the application, bearing IA No. C.A.N. 1 of 2023, be treated to be the original writ petition for the purpose of passing orders.

The petitioner shall file the affidavit of service, as per undertaking given by learned counsel for the petitioner, during the course of the day.

Learned counsel for the petitioner argues that the petitioner is agreeable to pay the dues by installments, the first of which shall be Rs.5,00,000/- and the rest by equal monthly installments or easy installments.

It is further argued that since the jurisdiction of the Debt Recovery Tribunal is up to Rs. 20,00,000/-, the matter does not fall within the jurisdiction of the

Tribunal and, as such, no application can be made by the borrower before the Tribunal.

However, it appears from the pleadings that the demand made is of Rs.20,58,653.61, which is above the minimum limit for invoking jurisdiction of the Tribunal. As such, the question of jurisdiction is answered against the petitioner, since the Tribunal does have jurisdiction to take up the issues pertaining to the said demand.

Insofar as the argument regarding the agreeability of the petitioner to put in the amounts by way of installments, the petitioner ought to have approached the respondent-bank on such count previously. At the fag-end of the process, when the auction sale is fixed tomorrow, such relief cannot be granted to the petitioner.

Accordingly, W.P.A. No. 1377 of 2023 along with IA No. C.A.N. 1 of 2023 is disposed of without any interference, with liberty to the petitioner to approach the concerned Debts Recovery Tribunal for appropriate reliefs, if the petitioner so chooses.

There will be no order as to costs.

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.)