

19-04-2024
ct no. 13
Sl. 64
sp

RVW 116 of 2024
With
CAN 1 of 2024
With
CAN 2 of 2024
In
WPA 1492 of 2022
With
CAN 1 of 2022
Subhankar Poria & Anr.
-Versus-
Indian Bank & Ors.

Mr. Siddhartha Banerjee,
Mr. Debashis Karmakar,
Mr. Arya Nandi,
Mr. P. Lokhatia

...for the petitioners

Mr. Om Narayan Rai

...for the respondent/Indian Bank

CAN 1 of 2024

1. CAN 1 of 2024 has been filed seeking condonation of delay.
2. Sufficient grounds have been made out in the instant application explaining such delay. Hence, the delay is condoned.
3. Accordingly, CAN 1 of 2024 is allowed and disposed of.

RVW 116 of 2024

4. Modification of the order dated February 14, 2022 has been sought by the Indian Bank. Review of the said order has also been sought by the writ petitioners.
5. The writ petition was entertained at the time when the DRAT was not functional.

6. Having regard to the pleadings in the review application as also the application for modification filed by the bank, this Court is of the view that the interest of justice will be subserved, if the order dated February 14, 2022 is recalled as a whole. Hence the order dated 14th February, 2022 passed in WPA 1492 of 2022 shall stand recalled in toto.
7. The writ petitioners may approach the DRAT, Kolkata against the order dated 11th January 2020 passed by the DRT-3 at Kolkata in IA 3588 of 2021 arising out of S.A. 773 of 2021, within a period of 45 days from date.
8. If such appeal is filed within the time indicated above, the Debt Recovery Appellate Tribunal shall, in terms of SARFAESI Act, 2002 dispose of the same in accordance with law.
9. The DRAT shall not be influenced in any way by any observations made in this Court's order dated February 14, 2022.
10. With the aforesaid directions, RVW 116 of 2024 shall stand disposed of.
11. In view of the above, the connected applications shall also stand disposed of.
12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)