

13.05.2024
Sl. No.7(DL)
srm

C.O. No. 1657 of 2024

Camellia Educare Trust & Ors.

Versus

Kotak Mahindra Bank Ltd. & Ors.

Mr. Ashok Banerjee,
Mr. Aniruddha Chatterjee,
Mr. Niladri Bhattacharjee,
Mr. Rahul Karmakar,
Mr. Saham Bandyopadhyay,
Ms. Priyanka Kundu,
Mr. Aditya Chaturvedi

...for the Petitioner.

Mr. Sarathi Dasgupta,
Mr. Pratik Ghose,
Mr. Avishek Roy Chowdhury

...for the Bank.

1. The petitioners pray for an extension of time. On an earlier occasion, this Court in C.O. No.3653 of 2023 directed the learned Debts Recovery Appellate Tribunal at Kolkata, to dispose of Appeal No.31 of 2022 within a period of four months. The exact order passed by this Court was that the learned Appellate Tribunal must make serious endeavour to dispose of the pending appeal along with the applications within a period of four months from the date of communication of the order.

2. Such order was passed on the prayer of the bank/secured creditor. It was alleged that the bank was suffering an interim order and the appeal should be disposed of expeditiously.
3. It is submitted that the learned Appellate Tribunal was proceeding with the matter on an urgent basis, although the learned conducting Advocate was very unwell. The Tribunal was refusing to adjourn the matter as there was a direction of the High Court. Hence, a prayer has been made that this Court must extend the time for disposal of the appeal.
4. It appears from the orders, that adjournments had been granted and the learned Appellate Tribunal had directed the petitioners to make alternative arrangements as the learned conducting Advocate was seriously ill.
5. It is not a case in which the learned Appellate Tribunal did not take into consideration the predicament of the petitioners. The desire of this Court was that the learned Appellate Tribunal should make an endeavour to dispose of the appeal within four months. Although, the said period was not made mandatory by this Court, it was up to the learned Appellate Tribunal as to how the learned Appellate Tribunal wanted to proceed with the appeal

and dispose of the same as per the time lines fixed by this Court. This Court did not make the period peremptory, but the learned Tribunal as an adjudicating authority, could always fix the dates for hearing of the matter and control the course of the proceedings. The convenience and interest of both parties had to be balanced.

6. Under such circumstances, the revisional application is disposed of without any interference.
7. The learned Appellate Tribunal shall proceed in accordance with law.
8. There shall be no order as to costs.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)