

Item No.26
03.10.2024
Court. No. 9
GB

W.P.A. 18213 of 2024

Barun Sarkar
Vs.
Reserve Bank of India & Ors.

Mr. Biswarup Chatterjee

...for the Petitioner.

*Mr. Samrat Chowdhury,
Ms. Anjana Sengupta,
Mr. B.L. Mulla*

...for the Bank.

1. The writ petition cannot be entertained. The petitioner claims certain benefits of an order passed in C.O. 2676 of 2023 dated August 28, 2023. The challenge in the revisional application was non-compliance of the One Time Proposal, by the bank. On the submission of the petitioner that the entire amount of Rs.1,23,00,000/- would be liquidated, a conditional interim order was passed.
2. The order indicates that Rs.24,00,000/- was already paid. Rs.50,00,000/- was directed to be paid within September 30, 2023 and the remaining Rs.49,00,000/- within December 15, 2023. The order impugned dated June 30, 2020, passed in RP/13/2020 arising out of O.A. No.62 of 2018 was stayed up to September 30, 2023 or until further orders whichever was earlier. This Court recorded that failure to comply with the directions would result in automatic vacation of the order of the Court and the order passed in RP/13/2020 would revive.

3. Under such circumstances, the subsequent action of the bank with a demand to pay certain amounts which were not a part of C.O. 2676 of 2023, cannot be assailed before this Court. The petitioner's remedy is before the learned tribunal, if otherwise permissible in law. The civil revision is also pending although the interim order stood vacated, automatically.
4. In any event, the order in the civil revision was a conditional order. The petitioner had lost all right to take advantage of the said order once he failed to comply with the same. All points raised in this writ petition, are left open to be assailed before the learned Debts Recovery Tribunal, if otherwise permissible in law.
5. Accordingly, the writ petition is disposed of.
6. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)