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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

IA No.GA/2/2024
In RVWO/8/2024

VARUN ROSHAN KOHLI
VS.
STATE BANK OF INDIA & ORS.

BEFORE :

THE HON'BLE THE CHIEF JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 3rd May, 2024

Mr. Naresh Narayan Kohli (in person)
... for petitioner/applicant
Mr. Om Narayan Rai, Adv.
Mr. Shiv Mangal Singh, Adv.
...for respondent bank

The Court : We have heard Mr. Naresh Narayan Kohli, the petitioner/applicant appearing in person and Mr. Om Narayan Rai, learned Counsel for the respondent bank.

This application has been filed in a disposed of review application being RVWO 8 of 2024. The said review application was filed to review the judgment and order in APO 104 of 2022. The review application was rejected on the ground that there was no error pointed out which is apparent on the face of the judgment and order. The present application has been filed by the applicant for a direction upon the learned Tribunal to allow the miscellaneous application which he has filed for restoration of the SARFAESI appeal being S.A. No. 221 of

2022, which was disposed of by the learned Tribunal by order dated 6th June, 2023. It appears that the said application is out of time and an application has been filed to condone the delay in filing the said restoration application. Learned Tribunal has granted time to the respondent bank to file their affidavit-in-opposition and the same is stated to have been filed.

Considering the peculiar facts and circumstances of the case and also that the applicant had been pursuing the appeal remedy before this Court in APO 104 of 2024 and thereafter had filed a review application, at this juncture the applicant should not be left remediless.

Therefore, we are of the view that the SARFAESI appeal being S.A. No. 221 of 2022 could be restored to the file of the learned Tribunal for being heard and decided on merits. Accordingly, the application for condonation of delay which is pending before the learned Tribunal being IA No. 344 of 2024 is allowed and the delay is condoned and consequently, the application filed by the applicant herein for restoration of the appeal before the learned Tribunal is also allowed and the appeal being S.A. No. 221 of 2022 is restored to the file of the Tribunal to be heard and decided on merits.

The application stands disposed of in terms of the above order.

(T.S. SIVAGNANAM, CJ.)

(HIRANMAY BHATTACHARYYA, J.)