HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
CRP No.11 of 2025

M/S S.R. Construction, represented by its Prooprietor, Sri Biswajit Saha, son of late Sudhir Ranjan Saha, residing at Shivnagar, Masjid Road, Agartala, District- West Tripura.

..... *Petitioner*(s)

V E R S U S

State Bank of India, Stressed Assets Recovery Branch, MRD Road, Bamunimaidan, Guwahati.

..... *Respondent*(s)

For Petitioner(s) : Mr. Chandrasekhar Sinha, Advocate,
Mr. D.C. Saha, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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21/03/2025

Heard Mr. Chandrasekhar Sinha, learned counsel assisted by Mr. D.C. Saha, learned counsel appearing for the petitioner.

The impugned order dated 10.07.2023 passed by the learned Debts Recovery Appellate Tribunal, Kolkata has been assailed in the present civil revision petition filed under Article 227 of the Constitution of India on 14.02.2025. The petitioner had assailed the same order earlier in CRP No.88 of 2024 which was dismissed as withdrawn vide order dated 13.11.2024 with a liberty. However, petitioner has not made any statement in the revision petition about filing of the previous CRP No.88 of 2024 or its withdrawal. This fact was noticed by the Court and a copy of the previous order dated 13.11.2024 passed in CRP No.88 of 2024 was taken out from the digital records of the Court. By the impugned order dated 10.07.2023, the

learned DRT had asked the petitioner to make a pre-deposit of Rs.1.5 crore i.e. 50% of the debt inclusive of interest in an appeal under Section 18 of the SARFAESI Act relying upon a decision of the Apex Court in case of ***Narayan Chandra Ghosh versus UCO Bank and others***, reported in ***(2011) 4 SCC 548***. The order was peremptory in the sense that if the pre-deposit was not made within a period of 6(six) weeks the appeal would stand dismissed. Non-mentioning of filing of previous revision petition and the fact that it was dismissed as withdrawn with a liberty cannot be ignored even in a petition under Article 227 of the Constitution of India. Moreover, the SARFAESI appeal stood dismissed on failure to make the pre-deposit within 6(six) weeks of the impugned order dated 10.07.2023. The petitioner has lost valuable time in preferring a duly constituted petition and in the meanwhile the rights of the parties including the bank have crystallized.

Therefore, for both the reasons this Court is not inclined to interfere in the present civil revision petition. Accordingly, the instant petition is dismissed.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH) CJ

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