

A. 1472
26.06.2025
Court No.6
BP

C.O. 340 of 2025

Opt Solutionz Marketing (OPC) & Anr.
-versus-
Yes Bank Limited & Anr.

Ms. Ishika Khan
... for the petitioners

Mr. Sayak Ranjan Ganguly
Mr. Srijani Ghosh
Ms. Indrani Majumdar
..for the opposite parties

This application under Article 227 of the Constitution of India is at the instance of the borrower praying for a direction upon the Presiding Officer, Debts Recovery Tribunal- III, Kolkata to dispose of I.A. No. 976 of 2024 arising out of S.A. 158 of 2024 expeditiously.

The learned advocate for the petitioners submits that though the SARFAESI application has been fixed for hearing on 10th July, 2025, the interlocutory application being I.A. 976 of 2024 praying for restoration of possession is pending. She submits that no date has been fixed for hearing of such application.

The learned advocate for the bank submits that in case an interlocutory application is not disposed of by the Debts Recovery Tribunal within the time prescribed under the statute the aggrieved party has to approach the appellate tribunal.

Section 17(6) of the SARFAESI Act states that if the application is not disposed of by the Debts Recovery Tribunal within the period of four months as specified in

sub-section (5), any party to the application may make an application, in such form as may be prescribed, to the Appellate Tribunal for directing the Debts Recovery Tribunal for expeditious disposal of the application pending before the Debts Recovery Tribunal and the Appellate Tribunal may, on such application, make an order for expeditious disposal of the pending application by the Debts Recovery Tribunal.

In view of an efficacious and effective remedy available under the 2002 Act, this Court is not inclined to entertain this application.

Accordingly, C.O. 340 of 2025 stands disposed of by giving liberty to the petitioners to approach the Debts Recovery Appellate Tribunal on the self same cause of action.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)