

Sl.21
13.06.2025
Court No.6
BP

C.O. 2007 of 2025

Union Bank of India
-versus-
Chelpuru Brothers Cloth Stores & Ors.

Ms. Akanksha Mukherjee
Ms. Ruma Singh
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the bank and is directed against an order dated May 5, 2025 passed by the Chairperson, learned Debt Recovery Appellate Tribunal, Kolkata in Appeal Dy. No. 243 of 2025.

By the order impugned the learned appellate tribunal waived the pre-deposit amount.

The learned advocate appearing for the petitioner submits that the pre-deposit could not have been waived by the learned appellate tribunal.

After going through the impugned order this Court finds that the amount of debt shown under Section 13(2) notice dated 1st August, 2019 was Rs. 1,18,38,329/-. It was further recorded in the said order that subsequent thereto an amount of Rs. 1,19,90,082/- was deposited with the bank by the borrower, out of which Rs. 69.85 lakhs was deposited in the no-lien account. The learned appellate tribunal took note of the submission of the bank that the amount deposited in the no-lien account could not have been used by the bank noted that the

borrower deposited the total debt due with the bank. The appellate tribunal passed an order of stay as certain legal issues were involved in the said appeal.

Since a substantial amount of money has been deposited by the borrower with the bank, the appellate tribunal was right in holding that the requirement of pre-deposit has been duly complied with.

For such reason, this Court is not inclined to interfere with the exercise of discretion by the learned appellate tribunal.

For such reason, C.O. 2007 of 2025 stands disposed of.

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.)