

Sl.16
07.08.2025
Court No.6
BP

C.O. 2825 of 2025

M/s. Madhusudan Garai & Anr.
-versus-
HDFC Bank Limited & Ors.

Mr. Moti Sagar Tiwari
Mr. Ravindra Tiwari
... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the borrower challenging the order being no. 41 dated 12th June, 2025 passed by the learned Debts Recovery Tribunal –II.

The learned advocate appearing for the petitioners submits that the petitioners filed two applications being I.A. 136 of 2024 and I.A. No. 137 of 2024 which was disposed of by an order dated February 28, 2024. He further submits that the petitioners filed another application being I.A. 864 of 2024 praying for declaring the auction sale held on February 29, 2024 as void and for stay of operation of the sale which stood concluded on 14th March, 2024. He further submits that the application I.A. 137 of 2024 which was disposed of on 28th February, 2025 could not have been restored by the Tribunal without any prayer in that regard being made by either of the parties to the proceedings. He prays that the application being I.A. 864 of 2024 be directed to be heard by the Tribunal expeditiously.

After going through the order dated 12th June, 2025 this Court finds that the application being I.A. 864 of 2024 was fixed for hearing on 24th July, 2025. The learned Debts Recovery Tribunal, Kolkata -II is requested to make an endeavour to dispose of the application being I.A. 864 of 2024 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

It will be open to the petitioners to file an application before the learned Tribunal praying for recall of the order dated 12th June, 2025 insofar as it directed restoration of the applications being I.A. 136 of 2024 and I.A. No. 137 of 2024. If such an application is filed the learned Debts Recovery Tribunal shall proceed in accordance with law.

With the above observations, C.O. 2825 of 2025 stands disposed of.

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.)