

03.07.2025
Item No.1
Court No.01
SK(AR(CR)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

**CO/99/2025
IA NO: CAN/2/2025**

**SPEED FAST CONSTRUCTION PRIVATE
LIMITED
VS
THE AUTHORISED OFFICER, INDIAN BANK
AND ANR**

Mr. Joyjit Chowdhury,
Mr. Ajay Singhal,
Ms. Sunayna Prasad,
Ms. Parmita Chowdhury,
....for the petitioner.
Ms. Lisa Mishra,
Mr. Suresh Kr. Mitruka,
Mr. Aayush Mitruka,
Ms. Shruti Yadav,
Mr. Sujit Swami,
...for the opposite party no. 3
Mr, Subhotosh Dhar,
Ms. Deborshi Dhar,
Ms. T. Bhowmick,
...for respondent bank.

CAN/2/2025 has been filed seeking an extension of an interim order dated 17 June, 2025 passed in CO/99/2025.

By an order dated 17 June, 2025 a Co-ordinate Bench of this Court had **disposed of** CO/99/2025 by directing as follows;

“ In the aforesaid facts and circumstances, the petitioner is granted a fortnight time from date to approach the DRT to challenge the order passed by the learned Magistrate under Section 14 of the SARFAESI Act by filing an application under Section 17 of the said Act.

The interim order which was passed on 11th June, 2025 to the following that "the

bank (opposite party no.1) and the auction purchaser being the opposite party no.3 are restrained by an order of injunction from dealing with, disposing of and/or changing the nature, character and possession of the property-in-question, particulars whereof are more fully described in this application" shall continue for a period of three weeks from date. It is also made clear that if the petitioner fails to file an application under Section 17 of the SARFAESI Act within the timeframe provided the interim order will automatically stand vacated."

It is submitted on behalf of the applicant that in view of the subsequent facts which have transpired and primarily on the ground that the Debt Recovery Tribunal by an order dated 23 June, 2025 has listed the matter for hearing on 9 July, 2025, the interim order dated 17 June, 2025 be extended.

The ground for seeking for such extension is due to the fact that the interim order dated 17 June, 2025 is due to expire on 8 July, 2025.

During the course of submissions, it is brought to the attention of the Court that the applicant has also filed a fresh revisional application seeking the very same reliefs. It is alleged by the applicant that the primary ground in filing CAN/2/2025 is that the applicant has no alternative efficacious remedy. This submission is vehemently

disputed on behalf of the respondent bank as well as the auction purchaser.

Admittedly, the present application i.e. CAN/2/2025 has been filed in a disposed of revisional application. This Court has no jurisdiction to entertain this application since the main revisional application has been finally disposed of. It is not open to the Court to reopen the proceedings by means of an interlocutory application where the main application has been disposed of. If this principle is not followed there would be no finality to litigation. The main revisional application having been disposed of cannot be revived in respect of subsequent events.

The practice of passing orders in disposed of applications has been repeatedly deprecated by the Hon'ble Supreme Court. In *Jaipur Vidyut Vitran Nigam Ltd. and Ors. vs. Adani Power Rajasthan Ltd. and Anr.* 2024 SCC OnLine SC 313, it has been held as follows:

“We felt it necessary to examine the question about maintainability of the present application as we are of the view that it was necessary to spell out the position of law as to when such post-disposal miscellaneous applications can be entertained after a matter is disposed of. This Court has become functus officio and does not retain jurisdiction to entertain an application after the appeal was disposed of by the judgment of a three-Judge Bench of this Court on

31.08.2020 through a course beyond that specified in the statute. This is not an application for correcting any clerical or arithmetical error. Neither it is an application for extension of time. A post disposal application for modification and clarification of the order of disposal shall lie only in rare cases, where the order passed by this Court is executory in nature and the directions of the Court may become impossible to be implemented because of subsequent events or developments. The factual background of this Application does not fit into that description.”

On the above limited ground and without going into the merits of the controversy, CAN/2/2025 stands dismissed on the ground of maintainability.

As prayed for, liberty is granted to the petitioner to file a fresh civil revisional application if so advised in accordance with law.

(RAVI KRISHAN KAPUR, J.)