

04.07.2025
Item No.67
Court No.01
S.Bag(AR(CR))

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

CO/129/2025

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

Mr. Joyjit Choudhury, Adv.
Mr. Ajay Singhal, Adv.
Ms. Sunayna Prasad, Adv.
..for the petitioner

Mr. Subhotosh Dhar, Adv.
Mr. Deborshi Dhar, Adv.
...for the Indian Bank/
Opposite Party No. 1

Mr. Suresh Kumar Mitruka, Adv.
Ms. Lisa Mishra, Adv.
Mr. Sojit Swami, Adv.
Mr. Syriti Yadav, Adv.
..for the respondent no. 3

This is the second round of litigation
between the parties.

This revisional application has been filed
primarily on the ground that the petitioner's
access to justice has been allegedly denied.

Briefly, in an earlier round of litigation i.e.,
CO/99/2025, a Coordinate Bench had while
grating an order of restraint on the auction
purchaser and the bank given the petitioner a
fortnight from date to approach the Debt
Recovery Tribunal to challenge an order passed
by the Learned Magistrate under Section 14 of

the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by filing an application under Section 17 of the said Act.

It is contended on behalf of the petitioner that pursuant to the above order, the petitioner has filed an application under Section 17 being Diary No/245/2025 before the Debt Recovery Tribunal. However, notwithstanding knowledge of the order passed by the High Court, the Registrar of the Debt Recovery Tribunal, Siliguri has listed the matter on 9th July, 2025 before the Registrar. In such view of the matter, it is alleged that the petitioner has no fora before which it can agitate its grievance.

The bank is represented.

The auction purchaser is also represented.

Without going into the maintainability of this application, the respondents have no objection if the matter is heard out expeditiously by the Debt Recovery Tribunal either on 7th or 8th July, 2025.

On behalf of the respondent bank, it is submitted that the applicant can file a put up petition before the Debt Recovery Tribunal bringing on record this order as well as the earlier orders passed by this Court.

In view of the above, CO/129/2025 stand disposed of by granting liberty to the applicant to raise the grievance in the proceeding pending under Section 17 of the Debt Recovery Tribunal Act, 1993 by filing an appropriate put up petition praying for early hearing.

It is made clear that there has been no expression on the merits of the case and all issues are left open for the Debt Recovery Tribunal to decide in accordance with law.

Keeping in mind the urgency of the situation and the fact that the applicant was enjoying the orders dated 11th June, 2025 and 17th June, 2025. The Debt Recovery Tribunal is directed to hear the prayer for interim relief and pass necessary order by 8 July, 2025 since the interim order is due to expire on 8th July, 2025 itself.

As a matter of caution, the applicant submits that service would be effected on the respondent bank prior to the hearing.

Liberty is also granted to the auction purchaser to raise all issues before the Debt Recovery Tribunal in accordance with law including the question of impleadment.

(RAVI KRISHAN KAPUR, J.)