

S/L 1
15.05.2025
Court No.2
SD

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION

CO 220 of 2024

M/s. Azmer Business Private Limited & Ors.

Vs.

Punjab National Bank

Mr. Arijit Bardhan
Mr. Abhishek Sarkar

...for the Petitioners.

Mr. Ratan Banik
Mr. Saptarshi Banik

... Opposite Party.

The revisional application has been brought to the list at the instance of the petitioners for extension of the interim order, but by consent of the parties, it is taken up for final disposal.

The instant application under Article 227 of the Constitution of India is directed against the order dated January 30, 2024 passed by the Debts Recovery Appellate Tribunal, Kolkata in Appeal No.110 of 2022, thereby partly reversing the order dated August 22, 2022 passed by the Debts Recovery Tribunal, Siliguri in I.A. No.30 of 2021 arising out of OA 219 of 2016, subsequently renumbered as TOA 596 of 2017.

The Punjab National Bank, the opposite party herein, has filed an application under Section 19 of the Recovery of Debts due to Banks and Financial Institutions Act, 1993, against the petitioners, *inter alia*, for a certificate of Rs. 4,25,08,921.35/- with interest thereon till February 29, 2016.

The said application was registered as O.A. 219 of 2016 before the Debts Recovery Tribunal, Kolkata, on transfer to Debt Recovery Tribunal, Siliguri, it has been renumbered as TOA 596 of 2017.

The petitioner, in the said original application had filed an application praying, *inter alia*, a direction upon the bank to file all original applications relied and/or referred to in its pleadings and to send the original of some of those documents, i.e., original sanction letter dated July 14, 2005, demand promissory notice dated June 16, 2008 and the original

demand promissory notice dated July 3, 2013 to the department of question document, CID West Bengal for verification of genuineness of the said documents.

The Tribunal, by the order dated August 22, 2022, had rejected the said application. The petitioners aggrieved thereby had preferred the connected appeal.

The Appellate Tribunal, by the impugned judgment and order dated January 30, 2024, has partly set aside the order of the Tribunal with a direction to send the original demand promissory note dated July 03, 2013, for expert opinion regarding the genuineness of the said document.

Mr. Bardhan, learned advocate for the petitioners, submits that the petitioners are entitled to have inspection of all the documents on which the bank is relying, and since the petitioners have disputed the genuineness some of those documents are required to be sent to an expert to ascertain the veracity of the same, but the Appellate Tribunal has not allowed the prayer of the petitioners for inspection, only has directed to send one of the documents for expert opinion. He further submits that the copy of the evidence-in-chief and the document referred to therein have not been supplied to the petitioners, which the petitioners had prayed for in the application.

Mr. Ratan Banik, learned advocate for the bank submits that in compliance with the order of the Appellate Tribunal, the demand promissory note dated July 03, 2013 was sent to the Central Forensic Science Laboratory for verification, the Tribunal has received the report. He further submits that copy of the documents on which the bank is relying has already been supplied to the petitioners.

Heard learned advocate for the parties, perused the materials on record.

The petitioners are entitled to have an inspection of all the documents in original on which the bank is relying on. Therefore, same be placed for such inspection, within a period of **two weeks from date.**

The petitioners are disputing the genuineness of three of the documents relied on by the bank, i.e., the sanction letter dated July 14, 2005, the demand promissory note dated June 16, 2008, and the demand promissory note dated July 3, 2013, Annexure E2, J and N1 respectively of the original application. To ascertain the genuineness of those documents, the petitioners are praying that the same may be sent to an expert.

The appellate Tribunal has allowed the prayer of the Tribunal so far as it relates to the demand promissory note dated July 3, 2013 (Annexure N1). The report of the expert has come to the Tribunal, as submitted by Mr. Banik.

The petitioners are at liberty to file exception to said report if necessary. On inspection of the original of the other two documents, i.e., Annexure E2 and J, the petitioners are at liberty to apply before the Tribunal for sending the same to an expert for verification of the veracity of the said two documents. If such an application is made, the Tribunal shall allow the same.

As directed above, the Tribunal shall also take necessary steps to facilitate inspection of the original documents relied on by the parties. Needless to say, the bank shall supply the copy of its evidence-in-chief and the copy of the documents referred to therein to the petitioners.

The order impugned is modified to the extent indicated above.

The CO 220 of 2024 is disposed of on the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)