

OD-5

ORDER SHEET
WPO No.392 of 2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SHAMSUL HAQUE
VERSUS
THE DEBT RECOVERY APPELLATE TRIBUNAL & ORS.

BEFORE
THE HON'BLE JUSTICE AMRITA SINHA
Date : 9th July, 2025.

Appearance:
Mr. Ayan Dutta, Adv.
Mr. Shantanu Mishra, Adv.
Ms. Aruna Ghosh, Adv.
For the petitioner.

Mr. Abhishek Banerjee, Adv
For the Respondents.

1. Records reveal that order passed by the Debts Recovery Tribunal-I, Kolkata on 2nd August, 2022 in O.A. No.67 of 2004 directing the Registrar of the Tribunal to deliver recovery certificate in terms of the final orders/judgments for recovery of the sum against the defendants in favour of the applicant/bank under Section 19(22) of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 presently known as Recovery of Debts and Bankruptcy Act, 1993. The parties were directed to appear before the Recovery Officer for further action in accordance with law in the event the entire amount is not paid within the said date.
2. Being aggrieved by the aforesaid order the petitioner preferred an appeal before the Debts Recovery Appellate Tribunal at Kolkata being Diary no.359 of 2024, IA No.236 of 2024. By an order dated 17th May, 2024 the Appellate Tribunal was pleased to direct that in an appeal against the interim order, provisions of Section 21 of the Recovery of Debts and Bankruptcy Act, 1993 would be applicable. Provision of pre deposit is mandatory in nature. Accordingly, the appellant i.e. the writ petitioner herein was required to make payment of 50% of the debt amount within a period of six weeks to maintain the appeal. The matter was fixed for further orders on 24th July, 2024.

3. On the prayer of the learned advocate representing the appellant/writ petitioner herein, the pre deposit amount was reduced to 35%.
4. Challenging the said order civil revision application was filed before this Court being C.O. 2174 of 2024. The said matter was heard and dismissed by the Court on 2nd September, 2024.
5. The petitioner has approached this Court under Article 226 of the Constitution of India challenging the order of the Tribunal dated 2nd August, 2022 all over again. The petitioner seeks to urge grounds that the substitution application was not served upon the petitioner. The amended copy of the application was also not served. The writ petitioner was not intimated about the dates of hearing of the Tribunal.
6. It appears that the writ petitioner contested the proceeding before the Tribunal, but all on a sudden, the petitioner stopped appearing and did not take any steps in the matter for more than two years. A litigant ought to take care of the matter when the same is pending adjudication before the Court of law. The grounds urged by the petitioner do not appeal to the Court.
7. It appears that the petitioner took a very lackadaisical and laid-back attitude to deal with the matter. When the matter stood disposed, then the petitioner flung into action to stall the recovery proceeding. The writ Court ought not to grant any relief to such an indolent and negligent litigant. The Court is not inclined to exercise jurisdiction in the matter.
8. The writ petition fails and is hereby dismissed.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)