

Misc. Appeal No.95 of 2025 -DRAT-Kolkata

**IN THE DEBTS RECOVERY APPELLATE TRIBUNAL AT
KOLKATA**

**HON'BLE MR. JUSTICE ANIL KUMAR SRIVASTAVA
CHAIRPERSON**

Misc. Appeal No.95 of 2025
(Arising out of I.A. 2626 of 2023 in S.A. No. 387 of 2023 in
DRT-I, Kolkata)

1. (i) M/s. Chittaranjan Multipurpose Heemghar Pvt. Ltd. Choto Dabcha, P.O. – Satbankura, Chandrakona Road, District-Paschim Medinipur, West Bengal-721253.
(ii) Unit at Mouza & Village-Khejurbandi, P.O.- Pandugram, P.S.- Goghat, Hooghly-712122.
2. Mr. Kartik Ghosh, Vill, Choto Dabcha, P.O. Satbankura, Chandrakona Road, District-Paschim Medinipur, West Bengal-721253.
3. Mrs. Jhulan Ghosh, Vill, Choto Dabcha, P.O. Satbankura, Chandrakona Road, District-Paschim Medinipur, West Bengal-721253.
4. Sri Kamalakanta Singha, Vill Bramhandia, P.O. Garbeta, P.S. Sarenga, District Bankura, Pin – 731121.
5. Sri Shibshankar Singha, Vill Bramhandia, P.O. Garbeta, P.S. Sarenga, District Bankura, Pin – 731121.

....Appellants

-Versus-

1. Union Bank of India 263, GT Road (South), near Kazipara More, 1st Floor, Howrah 711102.
2. Authorized Officer, Union Bank of India 263, GT Road (South), near Kazipara More, 1st Floor, Howrah 711102.
3. M/s. Mukti Firms Private Limited. Ward No. 5, P.O. & P.S. – Arambagh, Dist – Hooghly, Pin 712601.

....Respondents

Counsel for Appellants

Mr. Debasish Chakrabarty,
Mr. Snehasish Chakrabarty,
Mr. Nemani Srinivas

Counsel for Respondent Bank	. Misc. Appeal No.95 of 2025 -DRAT-Kolkata Mr. Pankaj Kumar Mukherjee
Counsel for Respondent No. 3	Mr. Souritra Ganguly with Mr. Aniruddha Sinha

JUDGMENT**: 13th July, 2026****THE APPELLATE TRIBUNAL :**

Instant Appeal has arisen against a judgment and order dated 24.04.2025 passed by Learned DRT 1 Kolkata in S.A. No. 387 of 2023 (***M/s Chittaranjan Multipurpose Heemghar Pvt. Ltd. Versus Union Bank of India***) dismissing the I.A. No. 2626 of 2023 filed by the Appellants.

2. Heard the Learned Counsel for the Appellant as well as Respondent Bank and Auction Purchaser and perused the records.

3. A Securitisation Application No. 387 of 2023 was filed by the Appellants challenging the Demand Notice and Possession Notice on several grounds wherein opposition is also filed by the Respondents. Pending the S.A., I.A. No. 2626 of 2023 was filed by the Appellants seeking quashing of the notice issued under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 (hereinafter referred to as the 'Rules') and the notice under Rule 9(1) of the 'Rules' along with consequential reliefs. Opposition to the same was also filed by the Respondents.

4. The Learned DRT, after considering the cases in ***Celir LLP versus Mr. Sumati Prasad Bafna & Ors 2024 SCC OnLine SC 3727*** ultimately recorded a finding that since

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the Appellants had not tendered the outstanding dues before publication of the sale notice, although they were given sufficient time for redemption of the property from the date of issuance of the demand notice till publication of the sale notice, now they cannot challenge the same which has been confirmed. Holding it Learned DRT dismissed the I.A. No. 2626 of 2023.

5. Learned Counsel for the Appellants would submit that the Appellants have filed the I.A. before the sale, i.e., on 12.12.2023. Hence, the observations made by the Learned DRT are against the records. It is further submitted that I.A. No. 2626 of 2023 were moved on several grounds, but the Learned DRT has not considered even a single ground and merely dismissed the application on a different ground which does not exist.

6. Per contra, Learned Counsel for the Respondents would submit that the impugned judgment was passed in accordance with law after considering the submissions made by the parties and that no interference is called for in the impugned judgment.

7. A bare perusal of I.A. No. 2626 of 2023 would reflect that the I.A. was filed on 12.12.2023, whereas the date of e-auction was 29.12.2023. Hence, the I.A. was filed before the date of e-auction. Further, different grounds were taken by the Appellants in their I.A., which should have been considered by the Learned DRT at the time of disposal of the I.A. Law is well settled that if a plea is taken by a party, the same should be considered and decided by a reasoned

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.order. Reasoned order is a soul of an order, but in the present case, Learned DRT has not even considered the grounds taken in I.A. No. 2626 of 2023, rather dismissed the I.A. on a wrong approach against the records. Accordingly, we are of the considered view that since the order is a non-speaking order, the Appeal deserves to be allowed and the matter is to be remanded back to the Learned DRT to decide the I.A. in accordance with law after affording an opportunity of hearing to the parties.

ORDER

Appeal is allowed. Impugned order dated 24.04.2025 passed by Learned DRT-1 Kolkata in S.A. No. 387 of 2023 is set aside. Matter is remanded back to the learned DRT to decide the I.A. No. 2626 of 2023 along with S.A. after giving an opportunity of hearing to the parties in accordance with law. All the issues raised are kept open to be considered by the learned DRT.

No Order as to costs.

File be consigned to Record Room.

Copy of the Judgment/ Final Order be uploaded in the Tribunal's Website.

Order signed and pronounced by me in the open Court on this the 13th day of July, 2026.

(Anil Kumar Srivastava,J)
Chairperson

Dated 13th July 2026
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