

BEFORE THE DEBTS RECOVERY TRIBUNAL, CUTTACK
IA No.-131/2023
NDN No.-112/2023

Sl. No .	Date of order.	Order with the signature.	Action (if any) taken on the order.
	09.11.23	Learned Counsel for the applicant present. Learned Counsel for the Respondent bank present. Applicant filed IA No.131 of 2023 to condone the delay in filing the SA. In the petition it is contended by the applicant that the applicant did not deposit the balance bid amount within the stipulated time dtd. 31.03.2022 fixed by the defendant-bank as per the terms of the sale notice as because he was found that the frontage of the land area is 20ft instated of 29 ft which has shown in the map and land area is 2.5 dec. less than the actual land area Ac.0.17 dec. which was mentioned in the sale notice and some locals obstructed and threatened to the applicant not to possess that said bid land. Thereafter the applicant requested time and again in the month of October & December 2022 for consideration of extension of bid for deposit of rest balance amount with interest imposed by the defendants, but the defendants did not respond regarding extension of bid. Hence the delay of 304 days occurred, which is neither deliberate nor intentional but the same is due to the reasons assigned as aforesaid. Counsel for the Respondent bank filed objection and contended that in the sale Notice dated 02.02.2022 it was specifically given out that the bids were invited for sale of the Property advertised on as is where is basis and as is what is basis and the applicant remaining fully aware of the said condition having submitted the bids the allegation that the applicant did not deposit the balance bid amount within the stipulated time as per the terms of the sale notice. Further allegation that some locals obstructed and threatened the applicant not to possess the said bid land are not supported with any FIR or records and also is otherwise irrelevant. It is contended that the applicant requested time and again in the month of October and December 2022 for consideration of extension of bid for deposit of rest balance with interest but the defendant did not respond regarding extension of bid are not supported with any material on record. Heard both sides and perused the records. The main contention of the applicant that as the applicant did not deposit the balance bid amount within the stipulated time dtd. 31.03.2022 fixed by	

	the defendant-bank as per the terms of the sale notice as because he was found that the frontage of the land area is 20ft instated of 29 ft which has shown in the map and land area is 2.5 dec. less than the actual land area Ac.0.17 dec. which was mentioned in the sale notice. Thereafter the applicant requested time and again in the month of October & December 2022 for consideration of extension of bid for deposit of rest balance amount with interest imposed by the defendants, but the defendants did not respond regarding extension of bid. Hence the delay of days occurred. The contention of the Respondent Bank is that the applicant remaining fully aware of the condition in the sale notice having submitted the bids and the applicant did not deposit the balance bid amount within the stipulated time as per the terms of the sale notice. Further allegation that the applicant requested time and again in the month of October and December 2022 for consideration of extension of bid for deposit of rest balance with interest but the defendant did not respond regarding extension of bid are not supported with any material or record. From the record this Tribunal found that no plausible reasons have been assigned by the applicant for the delay caused in filing the SA and the grounds taken by the applicant is not convincing to this Tribunal and further more the applicant has not explained each day delay properly. Considering the aforesaid facts and circumstances, I am of the considered opinion that there is no sufficient cause for condoning the delay. Accordingly I.A. No.131/2023 filed for condonation of delay is dismissed being devoid of any merit. Hence NDN No.112/2023 filed by the applicant is also dismissed. With the aforesaid observation IA No.131/2023 and NDN No.112/2023 are disposed of. Let the file of NDN No.112/2023 be consigned to the record room. Let a copy of this order be supplied to the parties as per Rules. (J. P. Singh) Presiding Officer	
--	--	--

--	--	--	--