

Ld. Counsel for the applicant bank present. Heard the Ld. Counsel for the applicant bank.

Ld. Counsel and submitted that the directions of the Tribunal dated 18.11.2019 were complied with by the applicant bank and thereafter the matter came up for marking the PA and documents on 4.2.2020. As the deponent was not present on that day and on applicant's request, the matter was adjourned to 25.2.2020 on certain conditions, for marking the PA and documents. However, in the cause list dated 25.2.2020, it has been mentioned that the 'PA returned'. Therefore, under the circumstances, Ld. Counsel for the applicant did not summon the witness on 25.2.2020. On 25.2.2020, this Tribunal recorded that the witness was absent, no representation, closed the opportunity and posted the matter for orders. Thus submitting, Ld. Counsel further stated that absence of the witness on 25.2.2020 which resulted in closing the opportunity was on account of the fact that in view of the listing of the case on 25.2.2020 with an observation 'PA returned', he did not insist for the presence of the witness 25.2.2020 as he was under the bona fide impression that the witness will not be examined on that day and therefore prayed the Tribunal to provide one more opportunity.

In the light of the representation and the fact that the money sought to be recovered is public money, the matter is suo motto reopened for examination of applicant bank witness on condition that AW1 shall be present on 20.8.2020 without fail and proceed with the matter.
Call on 20.8.2020.