

KOLKATA DEBTS RECOVERY TRIBUNAL NO. 2**ORDER SHEET
(Continuation)**

Bank of Baroda

OA/149 of 2023

Case No. _____

Vs

Palash Maiti

Date of Order	Order with Signature	Office action with date and dated Signature of parties when necessary
03 02.05.2024	Counsel for the parties: Ms. Suparna Biswas, Ld. Advocate representing Mr. Manoj Kr. Singh, Ld. Counsel appears for the applicant Bank. This O.A. case has been filed by the applicant Bank on 16.06.2023 for recovery of the dues amount of Rs.27,16,308.90 (Rupees twenty seven lakhs sixteen thousand three hundred eight and paise ninety) inclusive of interest calculated upto 15.05.2023. This case is not secured by equitable mortgage of immovable property, but the unsecured debt amount is Rs.27,16,308.90 (para 3A at page 9 of the OA.). So far as the limitation is concerned, the security documents executed by the defendants on 22.03.2022; as such, this O.A. case has been filed within the period of limitation, and thus admitted for hearing and the following order is passed : 1. Issue summons/Notice to the Defendant(s) by Speed post as well as by <i>dasti</i> returnable in four weeks. The Applicant is directed to file proof of service on next date of hearing. Summons/Notice will have to be accompanied by copy of the O.A. with annexure. 2. The prayer of the applicant regarding injunction is allowed. 3. Defendant(s) are directed :- (i) To show cause within thirty days of the service of summons/notice as to why relief prayed for in the O.A. should not be granted and further direction is made to the defendants to disclose the particulars of the properties and assets other than the properties and assets mentioned in the O.A. Application of the applicant. 4. In the meantime:- (i) The defendants are restrained from dealing with or disposing of secured mortgaged assets or such other assets and properties disclosed in Para 3-A of the OA., and also not to alienate, dispose or transfer the said property to third party, pending hearing and disposal of the application for attachment of properties.	

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03 02.05.2024	(ii) The defendant(s) shall not transfer by way of sale, lease or otherwise, except in the ordinary course of his business any of the assets over which security interest is created and/or other assets and properties specified or disclosed in Para 3-A of the Original application without the prior approval of the Tribunal ; (iii) The defendant(s) shall be liable to account for the sale proceeds realized by sale of secured assets or other assets and properties in the ordinary course of business and deposit such sale proceeds in the account maintained with the Bank/F.I holding security interest over such assets. 5. The Defendant(s) are at liberty to file the written statement within 4(four) weeks as prescribed under section 19(5) of RDB Act 1993. Copy of this order be given to the Applicant Bank to serve the same on the defendants along with Summons /Notice and a copy of the OA along with Annexure(s). Let this matter be fixed before the Ld. Registrar on 14.08.2024 for service of summons as well as completion of pleadings. Order be uploaded on the Tribunal's website.  (Arbind Madhav) Presiding Officer DRT-2, Kolkata	