

IN THE DEBTS RECOVERY APPELLATE TRIBUNAL AT KOLKATA

Appeal Dy No. 428 of 2021

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

28.03.2023

Partha Banerjee

... Appellant

-Vs-

State Bank of India & Anr.

... Respondents

Mr. Ramjan Kali, Id. counsel for the appellant.

Mr. S. Pal Chowdhury, Id. counsel with Ms. Saswati Sikder, Id. Counsel for the respondent

THE APPELLATE TRIBUNAL :

I.A. 324 of 2021 is filed by the appellant u/s 18 of the SARFAESI Act, 2002 praying for waiver from making pre-deposit.

Learned counsel for the appellant submits that appeal is filed against the order for initiation of proceeding u/s 340 of Cr.P.C. passed by DRT-1, Kolkata. It is further submitted that appellant would make pre-deposit as required under Section 18 of the SARFAESI Act. Learned counsel for the respondent submits that an amount of Rs.2,19,756/- is the debt due as on date along with interest. It is also submitted that as per Sec. 13(2) notice debt due was Rs.1,25,768.06.

Learned counsel for the appellant stated that they are ready to make pre-deposit to contest the appeal. However, he prayed that 25% of the claimed amount may be allowed.

Accordingly, appellant is hereby directed to make pre-deposit 40% of Rs.2,19,756/- within a period of six weeks from today.

Respondent may file opposition within four weeks with advance copy to the appellant who may file rejoinder within two weeks thereafter.

List on 14.07.2023 for hearing of appeal.

(Anil Kumar Srivastava,J)
Chairperson

Dated: 28 March, 2023

16/pkb

