



Serial No. 1
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MAF. No. 1 of 2018
With MC(MAF) No. 1 of 2018
Alongwith Caveat Ptn. No. 56 of 2018

Date of Order: 13.09.2018

Punjab National Bank & Ors Vs. M/s Virgo Cements Ltd. & Anr.

Coram:

Hon'ble Mr. Justice S.R. Sen, Judge

Appearance:

For the Petitioner/Appellant (s) : Mr. A. Ganguli, Adv.
For the Respondent(s) : Mr. K. Paul, Adv.

1. Heard learned counsel for the appellants who submits that the impugned order dated 31.07.2018 was passed by the learned Addl. Deputy Commissioner, North Garo Hills District, Resubelpara in Misc. Case No. 1 of 2018 arising out of T.S. No. 2 of 2018 without applying her judicial mind, as such the impugned order dated 31.07.2018 needs to be set aside.

2. In reply, the learned counsel for the respondents submits that the Bank cannot apply a coercive measure or any other illegal means to recover the loan.

3. I have perused the impugned order dated 31.07.2018 passed by the learned Addl. Deputy Commissioner, North Garo Hills District, Resubelpara in Misc. Case No. 1 of 2018 arising out of T.S. No. 2 of 2018, wherein I find that the said order is not in accordance with law. Accordingly, the said order dated 31.07.2018 is hereby set aside with following direction:

That the appellants will not use any illegal means or coercive measure against the respondents for the purpose of recovery of the loan. However, the appellants will have to take recourse of the law.

4. Since the matter is pending before the Debts Recovery Tribunal, Guwahati, I am of the opinion that the matter should be decided by the Debts Recovery Tribunal, Guwahati, which is the right forum. Let both the parties appear before the Debts Recovery Tribunal, Guwahati for



redressal of their respective grievances and the Debts Recovery Tribunal, Guwahati to decide the matter in accordance with law independently without being influenced by this order.

5. With this observation and direction the matter stands disposed of.

(S.R. Sen)
Judge

Meghalaya
13.09.2018
"D. Nary, PS"

