GAHC010124672015

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Co.Pet. 10/2015

1:HDFC BANK LIMITED
A COMPANY INCORPORTED UNDER THE COMPANIES ACT, 1956 AND CARRYING ON BANKING BUSINESS UNDER LICENSE GRANTED BY RESERVE BANK OF INDIA AND HAVING ITS REGISTERED OFFICE AT HDFC BANK HOUSE, SENAPATI BAPAT MARG, LOWER PAREL WEST, MUMBAI- 400013 AND AMONGST OTHERS, HAVING ONE OF ITS OFFICES AT 11, U.N. BRAHMACHARI STREET, KOLKATA- 700017 AND CENTRAL PLAZA, 2/6, SARAT BOSE ROAD, P.S.- BALLYGUNGE, KOLKATA- 700020.

VERSUS

1:CHOTATINGRAI TEA ESTATE PRIVATE LIMITED
A COMPANY INCOPORATED UNER THE COMPANIES ACT, 1956 AND HAVING ITS REGISTERED OFFICE AT JALANAGAR, DIBRUGARH, ASSAM.

Advocate for the Petitioner : MR.M SHARMA

Advocate for the Respondent : MS.B DAS

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 07-06-2018

Heard Mr. D. Senapati, learned counsel for the writ petitioner. Also heard Mr. D. Baruah, learned counsel for the respondent.

In this writ petition the Certificate Holder Bank, i.e. the Petitioner herein has already

received the amount due under the certificate through the Official Liquidator and the present proceeding is instituted for realization of the balance amount.

Learned counsel for the parties submits that an application raising a query as to whether on satisfaction of the certificate amount the proceeding against the guarantor needs to be closed or not is pending adjudication before the DRT No. 2, Kolkata. Since the outcome of the said proceeding would have a relevant bearing on the present case, hence, this matter calls for adjournment for further 06 weeks.

Taking note of the submission of the learned counsel for the parties, I deem it appropriate to adjourn further hearing in this case for 06 weeks so as to enable them to produce the order of the DRT.

JUDGE

GS

Comparing Assistant