



18-08-2021
Item no.1
Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

CAN No.2 of 2021
in
MAT No.702 of 2020
Dr. Tushar Kanti Karmakar
-vs-
Shilabati Hospital Private Limited & Ors.

Mr. Pradip Kumar Das
Mr. Subhajit Das
Mr. Indranil Banerjee ...for the appellant

Mr. Suman Kumar Dutt
Mr. Saurabh Maitra ...for the private respondents

Mr. Om Narayan Rai
Mr. Aritra Ghosh ...for the bank

The appellant, Dr. Tushar Kanti Karmakar, is a purchaser of an immovable property in a sale under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The borrower challenged the sale in a writ application from which this appeal arises. By its final order disposing of the writ, this court declared the sale as invalid. Both Dr. Karmakar and the lending bank, State Bank of India, have preferred appeals. There is no interim order in these appeals.

In the meanwhile, the respondent-borrower has filed another writ application before a single judge of this court for obtaining the benefits of the impugned order declaring the sale as invalid for delivery of possession of the subject property to the bank by Dr. Karmakar. In that writ, the learned single judge has passed an interim order directing that Dr. Karmakar should render accounts to the borrower-writ petitioner.



By filing of the second writ application and passing of an interim order therein, a subsequent event has occurred which we have taken into account in considering whether we should pass an interim order pending hearing of the appeal.

Considering the above facts and the balance of convenience, we direct that pending hearing of the appeal, till 30th September 2021 or until further order, whichever is earlier, the respondent-borrower shall not take any further steps for implementation of the impugned order, and that the appellant, Dr. Karmakar, shall maintain status quo with regard to the ownership, possession and creation of encumbrances with regard to the subject property.

CAN No.2 of 2021 is thus disposed of.

List this appeal along with three other appeals – MAT No.56 of 2019, MAT No.815 of 2020 and MAT No.118 of 2019 – for hearing before this bench fairly at the top on 31st August 2021.

[I.P. Mukerji, J]

[Aniruddha Roy, J]



2025:CHC-AS:1805-DB