

**HIGH COURT OF TRIPURA  
AGARTALA**

W.P.(C)No.507 of 2021

Amplex Projects Private Limited

----Petitioner(s)

Versus

The State of Tripura and & Ors.

----Respondent(s)

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For Petitioner(s) : Mr. R. Datta, Adv.

For Respondent(s) : Mr. S. S. Dey, Advocate General  
Ms. A. Chakraborty, Adv.  
Ms. P. Chakraborty, Adv.

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**HON'BLE MR. JUSTICE S. TALAPATRA**

**Order**

**31/01/2022**

Heard Mr. R. Datta, learned counsel appearing for the petitioner as well as Mr. S.S. Dey, learned Advocate General assisted by Ms. A. Chakraborty, learned counsel appearing for the respondents No.1, 2, 3, 4, 5 & 6 and Ms. P. Chakraborty, learned counsel appearing for the respondents No.7 & 8.

**02.** The grievance as agitated in this writ petition falls within a short compass. The action of the District Registrar taken on extraneous consideration as reflected in the communication dated 08.07.2021 [Annexure-10 to the writ petition] is under challenged in this writ petition. By that communication, the petitioner has been informed that the registration of the sale-deed, to be executed by the IDBI Bank, the respondent No.8, would depend on the opinion of the Director of Institutional Finance. It has been revealed that their views on execution of the sale-deed as regards the property

under reference have been sought. A letter in this regard has been received from the Director of Institutional Finance apprising that the matter has been referred to the Law Department. Law Department has opined that, in absence of any specific direction from the Hon'ble High Court of Tripura and Debt Recovery Tribunal (DRT for short), Guwahati it would be unsafe to proceed with the execution of the sale deed. It has been further stated that there is no specific direction on the State of Tripura from the Hon'ble High Court of Calcutta, for such transaction.

**03.** The brief facts as considered relevant in the context of this case, let be introduced at the outset. The petitioner purchased the property as meticulously described in the auction notice dated 18.01.2020 [Annexure-4 to the writ petition] floated by the IDBI Bank Limited, the respondent No.8 herein. Before the auction notice was floated by the IDBI Bank, it appears from the records that the said property was under possession and control of the Official Liquidator, appointed by the High Court of Calcutta since 27.06.2017 as part of the proceeding being Case No.C.P.No.533 of 2015. There were some intermittent litigations before this court viz.:

**M/S Overseas Mension & Ors. vs The S.D.M. Sadar & Ors.** etc.

By the order dated 07.10.2015, delivered in WP(C)No.104 of 2015, this court had occasion to observe as follows:

**"We are, however, clearly of the view that it is in the larger interest of all the three parties concerned that the property belonging to M/S Response Hotel which is secured for the re-payment of the loans of the IDBI Bank is put to auction by the concerned authority which is**

the Debt Recovery Tribunal. Once the money is received, the Debt Recovery Tribunal shall hand over the amount due to the IDBI Bank because there can be no dispute with regard to its priority. If anything is left over, then that shall be remitted to the Registrar General of this Court by Bank draft so that the dispute between the State and the petitioner herein with regard to their inter se rights to claim the remaining amount can be decided."

**04.** The said direction suffers from no equivocality and according to this court, the IDBI Bank had right to recover the loan amount first. Only the excess amount would be deposited to the Registrar General of this court. Subsequently, another order was passed in the same writ petition on 19.04.2016 as the two consecutive auctions failed. It has been observed in that order dated 19.04.2016, as under:

"Since two attempts have already been made and the auction could not take place, it is upto the IDBI to decide whether it wants to seek permission from the Debt Recovery Tribunal to itself bid for the property in question and the Debt Recovery Tribunal may also consider not fixing any reserved price for the property so that the property is sold. List the matter on 07.11.2016. In the meantime the IDBI shall be free for sale of the property."

[Emphasis added]

**05.** Thereafter, on 03.05.2017 another order was passed in the said proceeding which is considered relevant for our present purpose. Accordingly, the same is reproduced hereunder:

"In our order dated 19.04.2016, unfortunately, some confusion has cropped up as to whether the IDBI is to decide whether to seek permission from the Debt Recovery Tribunal (DRT) to itself bid for the property in question or whether the IDBI was given freedom to sell the property. We clarify that it is for the IDBI to decide whether it wants to seek permission from the DRT to itself bid for the property in question without fixing any reserved price for the property so that the property is sold. Needless to say, the State is also permitted to approach the DRT for appropriate orders in view of the proceedings they have drawn under Section 62 of the Tripura Land Revenue and Land Reforms Act, 1960 in case No.08/Certificate/14."

**06.** It is noticeable from the order dated 03.05.2017 that the State was given leave to approach the DRT for appropriate orders in view of the proceeding they had drawn under Section 62

of the Tripura Land Revenue and Land Reforms Act, 1960 vide the Case No.08/Certificate/14. The state has filed the reply, but there is no assertion in respect of the role they have played in terms of the order dated 03.05.2017. Even Mr. S. S. Dey, learned Advocate General could not shed any light over that aspect of the matter when he placed his oral submissions. However, Mr. Dey, learned Advocate General has stated that if the property is under lien, subjected by any proceeding, the petitioner has run the risk of such proceeding. However, Mr. S. S. Dey, learned Advocate General has clearly submitted that the property was lis-pendens, in view of the observation made in the order dated 07.10.2015. This court is not inclined to accept such submission as whatever is available from the order dated 07.10.2015 is that a decree of Rs.60,00,000/- was pending against the petitioner in respect of purchase of the said property from M/S. Overseas Mansion. Whether the recovery has been made or not or whether there is any third party interest in respect of that property or not that has not been brought on records by the parties at all. Even, there is no reference anywhere in the records. M/S. Overseas Mansion Limited has not approached DRT or High Court of Calcutta when the said company was on liquidation nor approached this court. Thus, this court even does not assume any third party interest in the matter.

**07.** Ms. P. Chakraborty, learned counsel appearing for the respondents No.7 & 8 has submitted that the respondent No.8 is

ready to execute the sale-deed in pursuance to the successful auction, followed by the payment of the full auction value.

**08.** This court has given its anxious consideration to the communication dated 08.07.2020 and is of the view that the District Registrar, West Tripura District has exceeded his jurisdiction. He is not an arbiter of the issues he has raised in the said communication. He had no legal authority to those references in order to stall the registration, as stated. He was supposed to look into whether there is any valid objection as to the ownership of the property or whether the proper fees, registration fees and the stamp duty has been paid on the value of the land. Of course, the District Sub-Registrar or District Registrar has the jurisdiction to determine those fees or stamp duty after proper valuation of the property. Usually, the valuation as determined by the valuation chart as published by the Revenue Department is retired by the District Registrar or the District Sub-Registrar. Mr. R. Datta, learned counsel has immediately responded by stating that if the valuation is determined according to the valuation chart of the Revenue Department or through the other legal process, the petitioner is ready to pay the stamp duty in order to get the sale-deed registered.

**09.** Having taken note of all these submissions, the respondents, particularly, the respondents No.5 & 6 are directed to register the sale-deed after observing the requirement of the

Registration Act and the Rules made thereunder. The respondents shall not create impediments raising frivolous or irrelevant issues or bringing in the matters over which they do have any jurisdiction.

The petitioner may approach the respondents No.5 & 6 forthwith with a copy of this order so that the registration can be completed in terms of the observation made above.

A copy of this order be supplied to Ms. A. Chakraborty, learned counsel appearing for the official-respondents.

In terms thereof, this writ petition stands allowed and disposed of.

**JUDGE**



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