



2026:UHC:2336-DB

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**  
**THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA**  
**AND**  
**THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY**  
**Writ Petition (M/B) No.43 of 2023**  
**April 2, 2026**

Ajay Kumar

----Petitioner

**Versus**

Debts Recovery Tribunal Dehradun & Ors.

----Respondents

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**Presence:-**

Mr. Sayed Kashif Jafri, learned counsel for the petitioner

Mr. Vikas Kumar Guglani, learned counsel respondent nos.3, 4 and 5/Bank.

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**JUDGMENT: (per Mr. Manoj Kumar Gupta C. J.)**

1. The instant writ petition is directed against the order dated 24.06.2022 passed by Debt Recovery Tribunal, Dehradun in Securitization Application No.164/2021, whereby the application filed by the petitioner challenging the action of the respondent Bank under the SARFAESI Act has been consigned on the joint statement of the parties that the loan account had already been closed and therefore, cause of action does not survive. The petitioner has also challenged the order passed by Debt Recovery Appellate Tribunal dated 23.01.2023, whereby the Appellate Tribunal has declined to interfere with the order of DRT. The DRAT has also noted in its order that the



securitization application was consigned to record in the light of the statement made by counsel for the parties.

2. At the outset, learned counsel for the respondents-Bank has raised a preliminary objection to the maintainability of the instant writ petition. He submits that the order closing the proceedings was passed by DRT on the statement of counsel for the petitioner and which was endorsed by the counsel for the respondent-Bank. In such a situation, neither the appeal filed before the DRAT nor the instant writ petition is maintainable.

3. We have perused the order passed by DRT dated 24.06.2022 and we find that the proceedings of the securitization application were closed on the joint statement of learned counsel for the parties. The order reads as follows:-

*“Called out. Ld. Counsel for the Applicant & Senior Law Manager for the Respondent Bank present.*

*Ld. Senior Law Manager of the Respondent Bank submitted that account stands closed. Ld. Counsel for the Applicant stated that loan account has already been closed by the Respondent Bank. Therefore, no cause of action survives in the S.A. hence S.A. is disposed off in the light of statement of both the parties.*

*Record be consigned.”*



4. Learned counsel for the petitioner could not dispute that the proceedings were closed on basis of statement made by counsel of the petitioner before the DRT. He tried to submit that the account was declared as NPA wrongly, however, since the securitization application was not pressed by the petitioner himself, therefore, in the present proceedings, we decline to examine the issue as to whether the account was rightly or wrongly declared as NPA. In case, the petitioner was really aggrieved by declaration of his account as NPA, he should have pressed the securitization application, instead of withdrawing the same.

5. In view of the above, the writ petition is dismissed.

6. Pending application, if any, stands disposed of accordingly.

**(MANOJ KUMAR GUPTA, C. J.)**

**(SUBHASH UPADHYAY, J.)**

Dated: 02.04.2026

Rajni