

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:06.01.2015

State Bank of Patiala

.....Petitioner

v.

The Debts Recovery Tribunal-II, Chandigarh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.G.S.Anand, Advocate for the petitioner

Jaswant Singh,J.(Oral)

State Bank of Patiala is in revision under Article 227 of the Constitution aggrieved by the order dated 3.12.2014 (P-3) passed by Presiding Officer, Debts Recovery Tribunal-II, Chandigarh, whereby proceedings under The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short SARFAESI Act) against respondents 2 to 6 have been ordered to be stayed while proceeding to summon the Deputy General Manager from Head Office to be present in Court on the next date of hearing i.e. 8.1.2015.

Learned counsel for the petitioner-Bank submits that high ranking officer has been summoned only to explain as to why the caveat in the said application in the proceeding under the SARFAESI Act instituted by the defaulter-respondents had not been filed. He

contends that firstly the required caveat had been filed and secondly at best the Authorised Officer should have been summoned. He submits that Hon'ble the Supreme Court time and again deprecated the tendency of the Courts to summon high ranking officers without keeping in view the public interest. It is next contended that even the interim stay has been granted without going into the merits of the case and therefore, the impugned order is liable to be set aside.

Having heard learned counsel this Court finds that the summoning of Deputy General Manager *per se* cannot be faulted with, as the Presiding Officer appears to have been moved by the quantum of amount of recovery involved, for which no caveat had been filed. It appears to be only an effort to highlight the conduct/mis-conduct of the officers concerned to the higher authorities. As regards the plea of grant of stay, it is apparent that the injunction is only an ad interim injunction to be heard on 8.1.2015 and the respondent-Bank would be absolutely free to address arguments and seek vacation of the ad interim stay.

In view of the above, finding no merit present revision petition is hereby dismissed.

06.01.2015
joshi

(Jaswant Singh)
Judge