

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No. 12518 of 2015(O&M)

Date of Decision: July 2 , 2015.

M/s Capricon Alloys Pvt. Ltd. and others

..... PETITIONER (s)

Versus

Presiding Officer, Debts Recovery Tribunal-II and others

..... RESPONDENT (s)

**CORAM:- HON'BLE MR.JUSTICE HEMANT GUPTA
HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Jasbir Mor, Advocate
for the petitioners.

Mr. R.S.Bhatia, Advocate
for respondents No.2 and 3.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reports or not?
3. Whether the judgment should be reported in the digest?

HEMANT GUPTA, J.

The petitioners have disputed the proceedings under Securitization and Reconstruction of Financial and Enforcement of Security Interest Act, 2002 (for short, the 'Act') by filing three separate applications under Section 17 thereof before the Debts Recovery Tribunal. Such applications were dismissed in default on 18.07.2013 when the counsel who filed the applications withdrew his power of attorney. Such order of dismissal in default was challenged

through a writ petition i.e., CWP No.1989 of 2014 before this Court. This Court disposed of the said writ petition on 04.02.2014 with a direction to the learned Debts Recovery Tribunal to prepone the applications and that the request for interim relief be decided prior to 17.02.2014.

The application for restoration of the applications under Section 17 of the Act was dismissed on 14.02.2014. In an appeal against the said order, learned Debts Recovery Appellate Tribunal directed the parties to appear before the Tribunal on 25.05.2015 on which date Tribunal was given liberty to dispose of the application under Section 17 of the Act on merit. On 25.05.2015, parties appeared before the Debt Recovery Tribunal but the matter was adjourned to 03.06.2015 and on 03.06.2015, the matter was again adjourned to 27.08.2015. In the meantime, the respondent-Bank has fixed e-auction of the property, in question, for 19.06.2015, therefore, the petitioner invoked the writ jurisdiction of this court. Mr. Bhatia Learned Counsel for the Bank stated that the auction has remained unsuccessful.

Mr. Bhatia, learned counsel for the Bank has pointed out that account of the petitioners was declared Non-Performing Asset in the year 2011 and for the last four years, the petitioners have been delaying the recovery proceedings for one reason or the other. Original application filed by the Bank under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 has been decreed and the recovery certificate stands granted but no appeal has been preferred.

Keeping in view the background of this case, we deem it appropriate to direct the learned Debt Recovery Tribunal to decide the

applications of the petitioners under Section 17 of the Act on merits on or before 31.07.2015. Parties are directed to appear before the Tribunal on 07.07.2015 for further proceedings.

We make it clear that the Tribunal shall decide the matter on merits, on or before 31.07.2015, even if there is no representation on behalf of the petitioners or the respondents before the Tribunal.

Writ petition stands disposed of.

**(HEMANT GUPTA)
JUDGE**

**(LISA GILL)
JUDGE**

July 2 , 2015.
'om'