

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

CWP No.15869 of 2015 (O&M)

Date of Decision:-08.10.2015

Shri Ramandeep Sharma

.....Appellant

Versus

The Registrar, Debts Recovery Tribunal-II Chandigarh and others

.....Respondents

**CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN.**

**Present:- Mr. Sanyam Malhotra, Advocate
for the petitioner.**

Mr. Pankaj Gupta and Mr. Amit Rishi, Advocates
for respondent No. 1.

Mr. K.C. Bhatia, Advocate
for respondents No. 2 and 3.

SATISH KUMAR MITTAL, J.(Oral)

The petitioner has filed the instant writ petition challenging the order dated 24.7.2015 (Annexure-P16) passed by the Registrar, Debts Recovery Tribunal, dismissing the application of the petitioner for condonation of delay in filing the Appeal under Section 17 of SARFAESI Act.

Learned counsel for the respondent No.1 has very fairly states that there are several judgments of various High Courts where it has been laid down that the Registrar of DRT has no jurisdiction to decide the application for condonation of delay filed by the applicant with an application under Section 17 of SARFAESI Act.

Reliance is placed on the following judgment of various High

Courts -2013(4) BC 531 Surinder Mahajan Versus DRAT (P&H HC), 2003(1) BC 122 Paul D'Souza Versus Canara Bank (Karnataka HC), AIR 2003 Kerala 176 Vincent Versus HUDCO (Kerala HC), 2015 (3) Maharashtra Law Journal 271 Bank of India Versus Registrar, DRT (Bombay HC), 2002 (2) BC 134 Sumangal Jewellers Versus PO, DRT (Madras HC), 2007(3) BC 139 Subhash Chand Versus Allahabad Bank (Raj HC).

In our view, the view taken by the various High Court is correct one and the order passed by the Registrar is totally without jurisdiction and the same is hereby set aside.

This petition is allowed and the application filed by the petitioner for condonation of delay along with application under under Section 17 of SARFAESI Act, be considered and decided on merits by the Presiding Officer, DRT expeditiously.

(SATISH KUMAR MITTAL)
JUDGE

08.10.2015
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(MAHAVIR S. CHAUHAN)
JUDGE