

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

CWP No. 18861 of 2015

DATE OF DECISION : 08.09.2015

Punjab National Bank

.... PETITIONER

Versus

Debts Recovery Appellate Tribunal and others

.... RESPONDENTS

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

Present : Mr. N.C. Sahni, Advocate,
for the petitioner.

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SATISH KUMAR MITTAL, J. (Oral)

Punjab National Bank has filed this writ petition under Article 226 of the Constitution of India for quashing of order dated 04.08.2015 (Annexure P-4) passed by the Debts Recovery Appellate Tribunal, whereby the order dated 19.05.2015 (Annexure P-2) passed by the Debts Recovery Tribunal – II, Chandigarh, has been set aside, without issuing notice and without providing an opportunity of hearing to the petitioner Bank.

We have heard learned counsel for the petitioner and have gone through the impugned order.

In the impugned order dated 04.08.2015, it has been mentioned that before setting aside the order of the Debts Recovery Tribunal, there is no need to issue notice to the petitioner bank, but in this regard a reason has been recorded by the Appellate Tribunal, which reads as under :-

“For the reasons aforementioned, the impugned order

cannot be sustained. There is no need of issue notice to the Bank for deciding this appeal, as the order passed by the Tribunal below is being inferred with on the ground that it is an order passed without assigning reasons. The bank would be at liberty to move an application for recall of the order if it has any grievance against this order. The impugned order is accordingly set aside and the case is remanded back to the Tribunal below to pass a fresh order after taking note of all the pleas raised by the appellants and the respondent Bank.”

Since the Appellate Tribunal itself has given liberty to the petitioner Bank to move an application for re-call of the order, if it has any grievance against the same, therefore, the petitioner Bank is permitted to move such an application before the Appellate Tribunal. If any such application is filed, the same will be considered and decided expeditiously by the Appellate Tribunal.

Disposed of accordingly.

(SATISH KUMAR MITTAL)
JUDGE

September 08, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE