

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

CWP No. 22003 of 2015

DATE OF DECISION : 21.10.2015

Sweety Sharma and another

.... PETITIONERS

Versus

Debts Recovery Tribunal, Chandigarh and others

.... RESPONDENTS

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

Present : Mr. Rakesh Gupta, Advocate,
for the petitioners.

Ms. Adarshpal Kaur, Advocate,
for respondent No.3.

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SATISH KUMAR MITTAL, J. (Oral)

The petitioners have filed the instant writ petition challenging the order dated 01.10.2015 (Annexure P-7) passed by the Registrar, Debts Recovery Tribunal, Chandigarh, dismissing the application of the petitioners for condonation of delay in filing the Appeal under Section 17 of Securitisation & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the Act').

Learned counsel for respondent No.3 has very fairly stated that there are several judgments of various High Courts where it has been laid down that the Registrar of Debts Recovery Tribunal has no jurisdiction to decide the application for condonation of delay filed by the applicant with

an appeal under Section 17 of the Act. Reliance is placed on the following judgments 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 Courts 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 it is ordered that the application filed by the petitioners for condonation of delay along with the appeal under under Section 17 of the Act, be considered and decided on merits by the Presiding Officer, Debts Recovery Tribunal, expeditiously.

(SATISH KUMAR MITTAL)
JUDGE

October 21, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE