

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

CWP No.25821 of 2014

Date of decision:21.7.2015

Bank of Baroda

....Petitioner

VERSUS

M/s Doaba Automobiles Pvt. Ltd. and others Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

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

Present: Mr. Aalok Jagga, Advocate and
 Mr. Karanyog Riar, Advocate for the petitioner.

Mr. Animesh Sharma, Advocate for respondent No.1.

None for respondents No.8 to 10.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to an order passed by Debts Recovery Appellate Tribunal (for short 'Appellate Tribunal') on 02.04.2014 (Annexure P-16) whereby request of the petitioner for expunging of remarks was remanded back to the Debts Recovery Tribunal (for short 'the Tribunal') finding that it is not a case for expunging of remarks but withdrawal of statement of counsel and such issue is required to be examined by the Tribunal.

Learned counsel for the petitioner points out that in fact the prayer of the Bank is for withdrawal of the concession recorded in the order dated 12.06.2007 on an application signed by the same

counsel who appeared for the Bank before the Tribunal. This aspect could not be brought to the notice of the Appellate Tribunal and, therefore, the Appellate Tribunal is required to re-examine the issue of withdrawal of the statement by the counsel afresh.

We find that the issue whether the statement made by the counsel before the Tribunal can be permitted to be withdrawn or not, is required to be examined by the Appellate Tribunal in the light of the fact that the application for withdrawal of the statement was made by counsel who appeared before the Tribunal.

In view of the said fact, we deem it appropriate to set aside the order dated 02.04.2014 remitting the matter to the Appellate Tribunal for fresh decision in accordance with law.

The parties through their counsel are directed to appear before learned Debts Recovery Appellate Tribunal, Delhi on 04.08.2015.

(HEMANT GUPTA)
JUDGE

JULY 21, 2015
‘D. Gulati’

(LISA GILL)
JUDGE