

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

CWP No.25906 of 2014

Date of decision:21.7.2015

M/s Doaba Automobiles Pvt. Ltd.

....Petitioner

VERSUS

Bank of Baroda and another

.....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. Animesh Sharma, Advocate for the petitioner.

Mr. Aalok Jagga, Advocate and
Mr. Karanyog Singh Riar, Advocate for respondents.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to an order passed by Debts Recovery Appellate Tribunal on 12.11.2014 whereby an appeal preferred by the petitioner was found to be not maintainable in view of the law laid down by Hon'ble Supreme Court in Harshad Govardhan Sondagar v. International Assets Reconstruction, 2014(6) SCC Page 1, for the reason that the petitioner (the appellant before the Tribunal) is a tenant.

Though, learned counsel for the Bank has disputed the status of the petitioner as a tenant but in view of the judgment of this Court in CWP No.15921 of 2014 titled M/s Punjab Chemical Industries v. District Magistrate-cum-Deputy Commissioner,

Ludhiana and others, decided on 12.08.2014, a tenant has a right to invoke the jurisdiction of Debts Recovery Tribunal under Section 17 of the Securitization and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002. The said judgment has considered the judgment of Hon'ble Supreme Court in Harshad Govardhan Sondagar's case (supra).

In view of the judgment of this Court in M/s Punjab Chemical Industries case (supra), we find that the order passed by Debts Recovery Appellate Tribunal is not sustainable and the same is set aside. The matter is remitted back to Debts Recovery Appellate Tribunal, Delhi to decide the appeal on merit 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