

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION Nos.17573, 17601, 17604, 17605, 17608,
17621, 17801, 18342, 18345, 19445, 19520 & 19590 of 2016

W.P.No.17573/ 2016

Between:

Panjab National Bank, ARM Branch,
Hyderabad, rep. by its Authorised Officer

PETITIONER

And

1. Pavan Kumar Thunga, R/o. 1-8-430/22, Chikkadpally, Hyderabad,
and others.

RESPONSENTS



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COMMON ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The nationalized Banks have come up with the present writ petitions seeking a mandamus to direct the Debts Recovery Tribunal (DRT) to dispose of the appeals pending on its file under Section 17 of the SARFAESI Act, 2002

2. Heard Mr. Ambatipudi Satyanarayana and Mr. M. Srikanth Reddy, learned counsel appearing for the petitioners, Mr. B. Narayana Reddy, learned Assistant Solicitor General, Ms. Anjali Agarwal, Mr. Gadi Praveen Kumar, and Mr. K.V. Rama Rao, learned counsel appearing for the Union of India.

3. The petitioners in all these writ petitions are aggrieved by the non-disposal of the appeals filed by the borrowers/guarantors/third parties under Section 17 of the SARFAESI Act, 2002, stalling the entire recovery proceedings initiated against them. The reasons for non disposal of the appeals are actually two fold, viz., (a) huge workload on DRT; and (b) non-appointment of Presiding Officers. It appears that there was originally one DRT in Hyderabad. Due to the heavy workload, the Union of India created one more DRT called "New DRT" and named the existing one as "DRT-1". But unfortunately, both the Tribunals were without Presiding Officers for quite some time. Recently, an officer by name Ms. Sivadi Praveena has been appointed to New DRT. By a notification issued on 03.11.2016, the same officer has been directed to be the in-charge of DRT-1 also.

4. But the statistics regarding the pendency before the DRT show that there are nearly 5700 OAs filed under RDDBFI Act, 1993 and more than 2500 SARFAESI Appeal under Section 17 of the SARFAESI Act, 2002 are pending before the Tribunals. It is not known how such a workload is going to be taken by one officer presiding over both the Tribunals. Therefore, it is better that the Union of India take steps immediately to appoint another Presiding Officer for DRT-1 also.

5. Yet another issue is with regard to the identification of the territorial jurisdiction between DRT-1 and New DRT. It is stated by the learned Standing Counsel for the Union of India that a letter has already been addressed in this regard to the Union of India.

6. Therefore in the light of the above, all the writ petitions are disposed of with the following directions.

- a. The Presiding Officer of New DRT is requested to take up for disposal, on priority basis, the appeals of the writ petitioners, viz., S.A.Nos.390/2015; 73/2014; 418/2014; 372/2015/ 325/2015; 46/2009; 451/2013; 633/2013; 12/2015; 693/2013; 676/2013 & 46/2013, and endeavour to dispose of these appeals within a period of two months.
- b. The Union of India is directed to expedite the process of appointment of one Presiding Officer for DRT-1 also and complete it preferably within a period of two months.
- c. The Union of India shall also issue appropriate notification regarding the territorial jurisdiction of DRT-1 and New DRT within a period of 15 days.
- d. Considering the fact that there are now nearly 8000 cases pending on the file of the Tribunal, the Union of India shall also examine the

feasibility of establishing one more DRT, so that the process of recovery, which was meant to be speedy under SARFAESI Act, 2002, does not remain illusory.

7. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

8th November, 2016
Js.



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Date: 08-11-2016

Js.