

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

**CWP No. 17458 of 2016  
Decided on : 27.08.2016**

M/s SPM Auto Pvt. Ltd.

... Petitioner

Versus

Authorized Officer, Corporation Bank and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL  
HON'BLE MR. JUSTICE RAMENDRA JAIN**

**PRESENT:** Mr. Girish Agnihotri, Sr. Advocate with  
Mr. Bhuwan Vats, Advocate  
for the petitioner.

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**AJAY KUMAR MITTAL, J. (Oral)**

The petitioner is seeking to reconsider the entire case. A further prayer has been made to quash the impugned order dated 19<sup>th</sup> July, 2016 (Annexure P-2), passed by the Presiding Officer, DRT-I, Chandigarh.

2. It was not disputed by the learned counsel for the petitioner that the order impugned herein i.e. Annexure P-2 is an appealable order under Section 18 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ( in short 'the Act'), before the Debts Recovery (Appellate) Tribunal.

3. Section 18 of the Act reads thus:-

***“18. Appeal to Appellate Tribunal***

*(1) Any person aggrieved, by any order made by the Debts Recovery Tribunal under section 17, may prefer an appeal alongwith such fee, as may be prescribed to the Appellate Tribunal within thirty days from the date of receipt of the order of Debts Recovery Tribunal:*

*PROVIDED that different fees may be prescribed for filing an appeal by the borrower or by the person other than the borrower:*

*PROVIDED FURTHER that no appeal shall be entertained unless the borrower has deposited with the Appellate Tribunal fifty per cent. of the amount of debt due*

*from him, as claimed by the secured creditors or determined by the Debts Recovery Tribunal, whichever is less:*

*PROVIDED ALSO that the Appellate Tribunal may, for the reasons to be recorded in writing, reduce the amount to not less than twenty-five per cent. of debt referred to in the second proviso.*

*(2) Save as otherwise provided in this Act, the Appellate Tribunal shall, as far as may be, dispose of the appeal in accordance with the provisions of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (51 of 1993) and rules made thereunder.”*

4. In view of the above, we dispose of the present writ petition by relegating the petitioner to approach the Debts Recovery (Appellate) Tribunal under Section 18 of the Act, in accordance with law.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**(RAMENDRA JAIN)**  
**JUDGE**

**August 27, 2016**

*J.Ram*

*Whether speaking/reasoned:*

*Yes/No*

*Whether Reportable:*

*Yes/No*