

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14921-2016

Date of Decision: August 23, 2017

The Nainital Bank Limited

.....Petitioner

Versus

Kisna Education Society and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.I.P.Singh, Advocate for the petitioner.

Mr.Baljinder Singh, Advocate
for respondent No.3.

Mr.S.P.Jain, Additional Solicitor General of India with
Mr.Alok Kumar Jain, Sr.Panel Counsel for UOI.

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SURYA KANT, J.

This writ petition has been filed by a banking company, namely,
the Nainital Bank Limited, seeking *inter alia* the following reliefs:-

“(i) The Presiding Officer of DRT-I, Chandigarh, be directed
to decide SA No.224/15 expeditiously as per provisions of
Section 17(5) of the SARFAESI Act, 2002.;

(ii) The said Presiding Officer may be directed to comply

with the directions issued by the Hon'ble Supreme Court in Union of India vs. D.R.T.Bar Association, Chandigarh, (2013) 2 SCC 574;

(iii) a direction may be issued for appointment of Chairman of Debt Recovery Appellate Tribunal, Delhi; and

(iv) to provide infrastructure for working of all the 3 DRTs at Chandigarh from one premises.”

[2] It is not in dispute that SA No.224/15 has since been decided and, thus, prayer No.1 no longer survives.

[3] As regard to prayer No.2, there can be no quarrel that the dictum of the Apex Court has to be followed and complied with by one and all including the DRT.

[4] Prayer No.3 re: appointment of Chairman of DRAT has also become infructuous as Mr.Justice (Retd.) P.K.Bhasin has since been appointed as Chairman of the Appellate Tribunal.

[5] As regard to prayer No.4, Mr.I.P.Singh, counsel for the petitioner points out-(a) no adequate space for Bar Room for the members of the DRT Bar Association has been allotted; (b) there is no space for the Library of the Bar Association; (c) there is no space for the litigants to sit; (d) though the building is multi-storeyed but there are no lifts due to which old or differently abled persons are unable to have access to different floors; (e) there is no facility of drinking water; (f) the websites of all the three DRTs are not working properly as neither the daily orders are uploaded there nor there is updation of cases; (g) there is scarcity of staff; and (h) no

months.

[6] Mr.I.P.Singh further points out that in the building where DRTs are functional, two floors are lying vacant and if the Central Government through the Ministry of Finance can take those two floors on rent, most of the problems relating to scarcity of space can be effectively resolved.

[7] Mr.S.P.Jain, learned Additional Solicitor General of India assures that the deficiencies pointed out by Mr.I.P.Singh, Advocate and his valuable suggestions for the improved functioning of the DRTs shall be dispassionately considered and he shall take up the matter with the Ministry of Finance for providing the requisite infrastructural facilities. In view of such assurance, we have no reason to doubt that the grievances of litigating public and members of the DRT Bar Association will sincerely and seriously considered and resolved.

[8] It may also be relevant at this juncture to mention that there are some allegations and counter-allegations against the Presiding Officer of the Tribunal as also against the learned counsel representing the petitioner-Bank. In our considered view, those averments made from both the sides, are totally unwarranted and uncalled for. These allegations need not to be taken cognizance for any purpose. The same are, accordingly, dropped and ordered to be deleted from the pleadings.

[9] It is also directed that like DRT-I, DRTs-II and III will start uploading their orders on the website and for that purpose if any infrastructural upgradation is needed, let the same be done within one month.

[10] The deficiencies pointed out hereinabove shall be satisfactorily

redressed within a period of six months.

[11] With these directions and observations, the petition is disposed of.

**(SURYA KANT)
JUDGE**

August 23, 2017
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**(SUDHIR MITTAL)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |