

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.21989 of 2017 (O&M)

Date of Decision:- 26.09.2017

HDFC Bank Ltd.

... Petitioner

Versus

Debts Recovery Tribunal-III, Chandigarh and others

... Respondents

CORAM: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Gurvinder Singh Gill

Present:- Mr. Manish Jain, Advocate for the petitioner.

Rajesh Bindal, J.

The challenge in the present petition is to the order dated 6.9.2017 passed by the Debts Recovery Tribunal-III, Chandigarh (for short “the Tribunal”) whereby restraint order passed against respondents No.3 and 4 not to leave the country without permission of the Tribunal was set aside and the loanee was set at liberty to visit foreign country without permission of the Tribunal.

It is not in dispute that the order passed by the Tribunal is appealable before Debts Recovery Appellate Tribunal (DRAT). However, to invoke jurisdiction of this Court, learned counsel for the petitioner sought to argue that the matter being urgent and the loanee may leave the country, writ petition should be entertained. He further submitted that the order is totally without jurisdiction. There is no power available with the Tribunal to review its own order *suo motu*. It can be on the application of either of the parties.

The application filed by the loanee for review of the order, is still pending.

After hearing learned counsel for the petitioner, we do not find any good reason to entertain the present petition bypassing the remedy of appeal before the DRAT. Impugned order was passed on 6.9.2017, and the certified copy thereof was supplied to the petitioner on 7.9.2017. The writ petition was filed in this Court on September 21, 2017, which has been listed today, as the same has been refiled after removing the objections raised by the Registry. Hence, the matter was listed in Court about 20 days after the impugned order dated 6.9.2017 was passed. Sufficient time was available with the petitioner to challenge the order in appeal before the DRAT, which is functional.

For the reasons mentioned above, the present petition is dismissed. The petitioner is relegated to its alternative remedy of appeal before the DRAT.

(Rajesh Bindal)
Judge

26.9.2017
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No