

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8099 of 2017 (O&M)

Date of Decision: 27.07.2017

Rahul Mahajan & Ors.

... Petitioners

VS.

Authorised Officer, ICICI Bank Ltd. & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Aalok Jagga, Advocate for the petitioners
Mr. Sandeep Suri, Advocate for respondents No.1&2

SURYA KANT, J. (Oral)

(1) The DRT-I Chandigarh vide the impugned order dated 24.03.2017 has dismissed the petitioner's SA as premature on the strength of an order passed by the Debt Recovery Appellate Tribunal Delhi in the case of Vikram Bakshi & Company Pvt. Ltd. vs. Housing Development Finance Corporation Ltd. & Ors. This Court is already seized of the matter against the orders where DRT followed the course suggested in Vikram Bakshi's case and has dismissed several SAs as premature. However, in the instant case learned counsel for the respondent-Bank fairly states that he has no objection if the impugned order is set aside and the DRT is directed to decide the SA on merits.

(2) In this view of the matter, we allow this writ petition; set aside the impugned order dated 24.03.2017 and direct the DRT-I Chandigarh to proceed and decide the SA filed by the petitioners on merits regardless of the view taken by DRAT in Vikram Bakshi's case.

(3) Parties are directed to appear before DRT-I, Chandigarh on 16.08.2017.

(Surya Kant)
Judge

27.07.2017

vishal shonkar

(Sudhir Mittal)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No