

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9410-2017 (O&M)

Date of Decision: July 18, 2017

M/s Gogna Jewellers and another

.....Petitioners

Versus

Authorized Officer, Capital Local Area Bank 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: Ms.Jyoti Sareen, Advocate
for the petitioners.

Mr.Puneet Sharma, Advocate
for the respondents.

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SURYA KANT, J.

The impugned order dated 27.03.2017 has been passed by Debt Recovery Tribunal-III, Chandigarh. It is admittedly appealable under the SARFAESI Act before the Debt Recovery Appellate Tribunal. Though it is claimed by learned counsel for the petitioners that the instant writ petition has been filed on a pure question of law, nonetheless we find that there are seriously disputed questions of fact involved in the writ petition with regard to the alleged two loan accounts. Still further, the petitioners are not inclined to settle both the accounts as according to them a separate SA filed by the petitioners regarding one of the disputed accounts is pending before the

[2] In these circumstances, when the petitioners have got an efficacious alternative remedy, the writ petition is dismissed leaving it open to the petitioners to approach the DRAT. Since the petitioners have been pursuing this petition, it is directed that in case any appeal alongwith an application for condonation of delay is filed within two weeks from the date of receipt of a certified copy of this order, learned Debt Recovery Appellate Tribunal shall sympathetically consider the application for condonation of delay and shall make an endeavour to decide the appeal on merits.

**(SURYA KANT)
JUDGE**

July 18, 2017
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**(SUDHIR MITTAL)
JUDGE**

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