

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

**CWP-COM No.109 of 2017
Date of Decision: 01.05.2017**

Vikram Kumar

....Petitioner

Vs.

Diwan Housing Finance Corporation Limited and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Jaideep Verma, Advocate,
for the petitioner.

Mr.Sandeep Suri, Advocate,
for the Caveator.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed against the order dated 7.4.2017 passed by the Debt Recovery Tribunal-III [for short the DRT-III'] by which the Securitisation Application filed by the petitioner to challenge the proceedings under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short 'the Act'] has been dismissed on the ground of being premature in view of a decision rendered by the Debt Recovery Appellate Tribunal, Delhi [DRAT] on 20.03.2017 in Misc. Appeal No.60/2016 arising out of S.A. Dy. No.8/2016 (DRT-II, Delhi) titled as ***Vikram Bakshi & Company Pvt. Ltd. Vs. Housing Development Finance Corporation Ltd.***

Learned counsel for the petitioner has submitted that the said order passed by the DRAT in case of ***Vikram Bakshi (Supra)***

has already been stayed by the Division Bench of the Delhi High Court in WP (C) 2966 of 2017 in case titled as “***Vikram Bakshi & Company Pvt. Ltd. Vs. Housing Development Finance Corporation Ltd. and others***”, therefore, the said order is not in existence at present and hence, the DRT-III should have considered the securitisation application of the petitioner on merits.

Learned counsel for the caveator could not deny this fact of stay having been granted by the Delhi High Court against the order of the DRAT.

In view thereof, the present petition is allowed, the impugned order is hereby set aside and the matter is remanded back to the DRT-III, Chandigarh to entertain the securitisation application of the petitioner and decide the same, in accordance with law.

The petitioner is directed to appear before the DRT-III, Chandigarh on 08.05.2017.

Till then, dispossession of the petitioner shall remain stayed.

01.05.2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*