

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.11596 of 2018.

Date of Decision: May 09, 2018

M/s Shakti Rice & General Mill

.....Petitioner

versus

Oriental Bank of Commerce, Thanesar.

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Mandeep Singh Khillan, Advocate, for the petitioner.

Mr.Anandeshwar Gautam, Advocate, for the respondent.

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Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Anandeshwar Gautam, Advocate, accepts notice on behalf of the repondent.

Let a copy of the writ petition be handed-over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the fact that quasi-judicial orders passed by the Debts Recovery Tribunal-II, Chandigarh are under challenge in the instant writ petition, it is not necessary to call upon the respondent to file reply-affidavit.

The respondent-Oriental Bank of Commerce has filed OA No.1388/17 against the petitioner-borrower before the Debts Recovery Tribunal-II, Chandigarh. The Tribunal directed the petitioner to file written statement on 12.12.2017, i.e., the day when the case was listed. The petitioner's case is that its counsel noted a wrong date and when he wanted

he came to know that the opportunity to file written statement had already been closed. Thereafter, a miscellaneous application was moved which has been dismissed by the Tribunal.

We are informed that the case is still at the preliminary stage before the Tribunal and is fixed on 09.07.2018. It appears to us that it would be in the interest of justice to grant one opportunity to the petitioner to take its written statement on record which it has already filed. The writ petition is accordingly allowed in part; the impugned orders dated 22.12.2017 and 22.03.2018 are set-aside and subject to payment of Rs.5,000/- as cost by the petitioner to respondent-bank, its written statement may be taken on record.

[SURYA KANT]
JUDGE

May 09, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No