

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

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**Civil Writ Petition No.20244 of 2018
Date of decision: March 07, 2019**

Shallu Gupta and others

....Petitioners

versus

Corporation Bank and others

....Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL***

Present: Mr. Vivek Goyal, Advocate for the petitioners.

Mr. C.K. Jha, Advocate for respondent No.1.

AJAY KUMAR MITTAL, J. (ORAL)

The challenge in this petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari for setting aside the order dated 08.08.2018 (**Annexure P-1**) vide which the Debts Recovery Appellate Tribunal, Delhi (for short, 'DRAT') has directed the petitioners to deposit the entire dues of the bank within one week i.e. upto 15.08.2018 i.e. before 18.08.2018-the date for taking physical possession as condition to restrain the respondent-Bank from taking physical possession on 18.08.2018, despite the fact that the petitioners have already deposited ₹87,55,802/- out of adjudicated debt of ₹ 1,55,29,657/- in compliance of 2nd proviso to Section 18(1) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'SARFAESI Act').

2. Learned counsel for the petitioners submitted that an amount of ₹47,55,802/- vide D.D. No.027636 dated 13.04.2018 and ₹ 40 lacs vide DD No.027697 dated 05.06.2018, drawn on Vijaya Bank in favour of Registrar, DRAT, Delhi, totalling ₹87,55,802/-, had already been deposited by the petitioners to comply with the conditions as enumerated under Section 18(1) of the SARFAESI Act. It was further stated that the appeal is now listed before the DRAT on 29.03.2019 for final hearing. Accordingly, a prayer was made by learned counsel that the present petition may be disposed of by directing the DRAT to decide the appeal expeditiously.

3. After hearing learned counsel for the parties, without expressing any opinion on the merits of the controversy and keeping in view the prayer of the petitioners which is confined with seeking direction to the DRAT, we dispose of the present writ petition with direction to the DRAT to make sincere efforts for deciding the appeal expeditiously and preferably on or before 30.04.2019 in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

March 07, 2019

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Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No