

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

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**CWP No.24815 of 2019
Date of Decision : 10.09.2019**

Jagjit Singh and another

.....Petitioners

Versus

Recovery Officer-II, DRT-II, Chandigarh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Vikas Behl, Senior Advocate with
Mr. Sahil Khunger, Advocate and
Ms. Harbani Shinh, Advocate for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioners are aggrieved against the order dated 21.08.2019 passed by the Recovery Officer-II, Debt Recovery Tribunal-III, Chandigarh and had filed an appeal before the Debt Recovery Tribunal-III, Chandigarh which has been dismissed on 28.08.2019 for non-compliance of Section 30(A) of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (for short 'the Act').

Counsel for the petitioners has though argued vehemently but could not refer to any law by which rigorous of Section 30(A) of the Act can be diluted.

On the other hand, Mr. C.S. Pasricha, Advocate, with the permission of Court has appeared on behalf of respondent No.3-Bank to contend that the amount of 50%, to be deposited in terms of Section 30-A of the Act, is in fact the decretal amount. It is also submitted by him, after taking instructions from Bhagwan Dass, Chief Manager of the Bank, that an order may be passed directing the Tribunal to accept 25%

of the decretal amount, on the analogy that the Appellate Tribunal has the power to reduce the amount upto 25% but learned senior counsel appearing on behalf of the petitioners, after taking instructions from the petitioners in the Court, has submitted that the petitioners do not have the money even to deposit 25% of the amount of debt due for the purpose of taking remedy of appeal before the Tribunal against the order of Recovery Officer dated 21.08.2019.

In view of the aforesaid facts and circumstances, there is no reason for this Court to interfere either in the order dated 21.08.2019 passed by the Recovery Officer or dated 28.08.2019 passed by the Debt Recovery Tribunal-III, Chandigarh because any order passed by the Recovery Officer is appealable under Section 30 of the Act and Section 30(A) of the Act stipulates that the amount of debt due to the extent of 50% shall be deposited at the time of filing of appeal.

In view of the aforesaid facts and circumstances, the writ petition is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

10.09.2019
Kothiyal

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