IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

136 **CWP-36454-2019**
Date of decision:20.12.2019

M/S DEVRISHI FOODS PRIVATE LIMITED AND ANOTHER

...PETITIONERS

VS.

DEBTS RECOVERY TRIBUNAL-II AND OTHERS

...RESPONDENTS

CORAM:HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Rohit Suri, Advocate
for the petitioners.

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RAKESH KUMAR JAIN, J.(ORAL)

The petitioners had earlier approached this Court by way of CWP No.12333 of 2019 which was dismissed as withdrawn on 10.05.2019 in which following order was passed:-

> "Petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of the demand notice dated 05th May, 2018 (Annexure P-6)and possession notice dated 25th July, 2018 (Annexure P-8), for the account, which was wrongly classified as NPA in contravention of the Export Credit Insurance for Banks(WT-PS) guidelines, Chapter-8, RBI guidelines of NPA and the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002(in short 'the Act') and Rules. Besides above, a further prayer has been made for issuing direction to the respondent-Bank to process the claim before the ECGC at the earliest which is secured to the extent of ₹4.40 Crores and provide a Nursing Programme as detailed in Clause 8.14 of Export Credit Insurance for Banks (WT-PS) guidelines, Chapter-i (Annexure P-15).
>
> 2.After arguing for sometime, learned counsel for the petitioners submitted that he may be allowed to withdraw the present writ petition with liberty to the petitioners to take recourse to the alternative remedies as are available to them, in accordance with law.
>
> 3. Dismissed as withdrawn. It shall, however, be open to the petitioners to take recourse to the remedies as may be available to them, in accordance with law".

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Thereafter, the petitioners had filed SA No.133 of 2019 before the Debts Recovery Tribunal-II, Chandigarh. The prayer for stay is made in the SA itself without filing a separate application for the same. Therefore, the petitioners had filed an I.A. No. 608 of 2019 for seeking pre-ponement of the date of hearing in the said SA. The application for pre-ponement was, however, dismissed. Thereafter, the case was adjourned as the respondents have taken time to file reply. It is submitted that now the case is fixed before the DRT-II, Chandigarh for 19.02.2020 but in the meantime the petitioners are likely to be dispossessed.

Counsel for the petitioners has prayed that he may be allowed to file a separate application for stay and a direction be issued to DRT-II, to consider and decide the same as early as possible.

After hearing learned counsel for the petitioners and considering the aforesaid facts and circumstances, the present petition, is disposed of with liberty to petitioners to file a separate application for stay in the aforesaid S.A. In case any such application for stay is filed i.e. within two days i.e. on or before 24.12.2019, the DRT-II, Chandigarh, who is seized of SA No.133 of 2019, shall decide the same upto 04.01.2020.

The writ petition stands disposed of.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

December 20, 2019
Poonam Sharma

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

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