

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

CWP-8805-2020

Date of Decision: 27.07.2020

Aryavart Ship Management Pvt. Ltd. and another

..... Petitioners

Vs.

Central Bank of India

..... Respondents

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

Present: - Mr.Anshul Jindal, Advocate,
for the petitioner.

Dr.Deepak Jindal, Advocate, and
Mr.Gaurav Goel, Advocate,
for respondent No.1.

Mr.Satya Pal Jain, Additional Solicitor General of India, with
Mr.Alok Kumar Jain, Advocate, for UOI.

RAKESH KUMAR JAIN, J. (ORAL)

Case taken up through video conferencing.

The petitioners have challenged the demand notice dated 19.2.2020 (Annexure P-5) and possession notice dated 11.6.2020 (Annexure P-6) issued under Sections 13(2) and 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short 'Sarfaesi Act'], respectively.

On 29.6.2020, the following order was passed by this Court: -

“Case has been heard through Video Conferencing in view of COVID-19 Pandemic.

Learned counsel submits that he has been forced to invoke the writ jurisdiction of this Court as DRT is not functioning at present.

On oral request of learned counsel, UOI is impleaded as a respondent in this petition. Its counsel shall apprise the court on the next date of hearing whether there is any possibility of DRT resuming working in near future.

Notice of motion for 27.7.2020

Proceedings, if any, in the meanwhile shall subject to outcome of the writ petition.

Mr.Satya Pal Jain, Additional Solicitor General of India has apprised the Court that the DRT has already resumed the work. Cases are being filed and are being heard by way of video conferencing.

Counsel for the petitioners has not denied this fact.

Thus, in view thereof, we relegate the petitioners to avail the remedy as provided under Section 17 of the Sarfaesi Act before the DRT and the present petition is hereby dismissed as not maintainable.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

27.07.2020

Vivek

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