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

CR-2487-2019
Date of decision: 23.07.2021

M/s SEL Textiles Ltd. and another ....Petitioners

versus

Central Bank of India ....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Anand Chhibber, Senior Advocate with
Mr. Shikhar Sarin, Advocate
for the petitioners.

Mr. R.S. Bhatia, Advocate
for the respondent.

<u>FATEH DEEP SINGH, J.</u>

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The revisionists/petitioners-M/s SEL Textiles Limited had secured from Central Bank of India certain loan amounts. It is subsequent thereto, the bank filed an application for recovery of an amount of Rs.5,53,27,42,829.64/- from the petitioners before the Debt Recovery Tribunal (hereinafter referred to as 'DRT').

During the pendency of the proceedings, an application was moved by the petitioners before the Tribunal under Order 6 Rule 17 CPC seeking amendment of the written statement. The

Tribunal vide impugned orders dated 13.03.2019 (Annexure P-1) dismissed the application. It is, as a consequence of which, the present petition by way of civil revision has been filed by resortation to Article 227 of the Constitution of India seeking quashment of the orders (Annexure P-1) so passed by the Tribunal.

Heard counsel of both the sides and perused the records.

It is with the worsening of the national market whereby the financial institutions including the Banks were unable to recover their dues which was primarily an outcome of the slow judicial process before the Civil Courts, the Legislation had enacted various provisions from different enactments and one of them, was the enactment of The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (in short 'the Act'). It is on the basis of these statutory provisions, special Tribunals and Appellate Tribunals were constituted to speed up the process of recovery of the debts due to banks and other financial institutions. Section 20 of the Act is reproduced as below to lay emphasis:-

> *"**20. Appeal to the Appellate Tribunal**.-(1) Save as provided in sub-section (2), any person aggrieved by an order made, or deemed to have been made, by a Tribunal under this Act, may prefer an appeal to an Appellate Tribunal having jurisdiction in the matter."*

Under this provision any person aggrieved by an order made or deemed to have been made by Tribunal under this Act may prefer an appeal to Appellate Tribunal having jurisdiction in the matter and, therefore, by that special provision, has been laid down for the aggrieved persons to pursue the remedy, if aggrieved, by any order of the Tribunal. Though with much fanfare, Mr. Anand Chhibber, Senior Advocate assisted by Mr. Shikhar Sarin, Advocate has sought to place reliance on the judgments titled as *'Hyderabad Industries Limited versus Union of India and others'* (2000) 1 SCC 718; *'Union of India and others versus Debts Recovery Tribunal Bar Association and another'* (2013) 2 SCC 574 ; *'Pal Singh versus Ranjit Singh'* (2006) 1 RCR (Civil) 831 and *'Bhawanjit Singh and others versus Jaswinderjit Singh Bhuller and others''* (2009) 5 RCR (Civil) 100. No doubt, Supreme Court of India in 2013 Vol.2 SCC 574 titled as '*Union of India and others versus Debts Recovery Tribunal Bar Association and another*' has laid emphasis on the fact that High Courts under Article 227 has powers of Superintendence over the Debt Recovery Tribunals and Debt Recovery Appellate Tribunals but the same is purely to keep a close watch on their functioning and does not delegate the High Courts ordinarily the powers to entertain writs arising out of orders of Debt Recovery Tribunal. Furthermore, Section 18 of the Act further enlist power of jurisdiction, under which, no Court or Recovery Tribunal shall or have power to exercise any jurisdiction in relations to matter pertaining to Section 17 of the Act and under which, Appellate Tribunals have been constituted to exercise jurisdictional powers and authority to entertain appeals against any order deem to have been made by Tribunal under this Act. Thus, emphatically, makes it clear that a specific remedy has been provided under the Act itself. The ratios cited by Mr. R.S. Bhatia, counsel for the respondent, in Transfer Case (Civil) No.16/2019 titled as *'Dhiraj Saluja versus Union of India and others'*; Civil Revision No.3644 of 1997 titled as *'Sandeep Singh Sandhu versus Debt Recovery Tribunal';* CWP No.16182 of 1997 titled as *'M/s H. Paul & Co. versus Bank of India';* CWP No.10608 of 2005 titled as *'Kalyan Mahanty versus Presiding Officer, Debts Recovery Tribunal, Cuttack and others';* CR No.3913 of 2013 titled as *'Mahender Singh tehlan and another versus Nirmla Devi and others';* CR No.1521 of 2017 titled as *'Avtar Kaur versus Vidya Sagar and others';* CA Nos.773 of 2019, 825 to 828 of 2019 in CP (IB) No.114/Chd/Pb/2017 titled as *'SEL Manufacturing Company Limited and others versus Committee of Creditors of SEL Manufacturing Limited and others';* LPA No.9 of 1996 titled as *'MC Mittal versus Central Bank of India',* certainly, advances their case. The unrebutted stand of the respondent that civil suit of the present petitioners too, stands dismissed, is another distressing feature in the case of the petitioners.

No doubt, the impugned order has been passed during the pendency of the proceedings before the Tribunal but the term “order” contained in Section 20 of the Act makes it clear that an appeal lies against even such an order which may be interim in nature. Moreover, this Court does not find any compelling reasons and circumstances to exercise this extraordinary constitutional power by brushing aside the statutory provisions and, thereby, put to knots the hierarchy of the judicial system provided by the provisions of law. The counsel for the petitioners could not convince this Court how the order, under assail, goes to the root of the case of the petitioners creating special circumstances before this Court to exercise its jurisdiction, since, alternate remedy has already been provided under the Act which would be appropriate for the revisionists to have resorted to those provisions rather than come up before this Court, which practice needs to be deprecated and the steps discouraged. There is no merit in the present revision petition and the same stands dismissed.

(FATEH DEEP SINGH)
23.07.2021 **JUDGE**
Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No