

*Neutral Citation No. 2023:PHHC:071835-DB*  
**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**(263)**

**CWP-1040-2022**

**Decided on :17.05.2023**

Nibaana a sole proprietorship through its proprietor Mr. Purav Virendera  
Chitalia

.....Petitioner(s)

Versus

The Debts Recovery Tribunal-I, Chandigarh and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA  
HON'BLE MRS.JUSTICE MANISHA BATRA**

Present: Mr. Anand Chhibbar, Senior Advocate with  
Mr. Arpit Chawla, Advocate for the petitioner (s).

Mr. Angad Parmar, Advocate for respondent No.2.

Mr. Janesh Gupta, Advocate and  
Mr. J.S. Dhaliwal, Advocate for respondent No.3.

**G.S. Sandhawalia, J. (Oral)**

The petitioner approached this Court seeking continuation of the protection granted by the Debts Recovery Tribunal-I, Chandigarh vide order dated 29.12.2021 (Annexure P-4). Relevant order of the said order reads as under:-

“I am of the view that if the possession of the subject property will remain with the Respondent bank, the applicant will suffer loss and the Respondent bank despite proper service of the summons issued by this Tribunal but none appeared on behalf of the Respondent bank before this Tribunal. The applicant is ready and willing to deposit the amount of monthly lease with the Respondent bank and therefore, I am of the view that prima facie a case is made in favour of the S.A applicant and in order to maintain balance of convenience it is necessary that to pass an order which may not create any loss to the respondent bank. Accordingly, considering the entire facts and circumstances following order is passed:-

1. The applicant will deposit the amount of lease on monthly basis with the Respondent bank till final disposal of this S.A.
2. The Respondent bank will unlock the subject property with immediate effect till 20.01.2022.
3. The Respondent bank is also directed to file reply to SA on or before 15.01.2022 by providing advance copy to Ld. counsel for the S.A applicant.

4. The Respondent no. 2 to 6 are also directed to file reply to S.A. File be put up for filing reply and arguments on 21.01.2022.”

2. At that time the Presiding Officer of the Debts Recovery Tribunal, Jaipur was holding the charge of Debts Recovery Tribunal-I, Chandigarh. Therefore, by virtue of the present writ petition prayer made was that till the time the securitization application is pending and is taken up for final disposal as and when the Tribunal is constituted, the stay granted be extended.

3. Resultantly, on 21.02.2022 the following order was passed by the Coordinate Bench:-

“Notice of motion for respondents No.2 and 3 only.

Having regard to the order dt. 29.12.2021, passed by the Debts Recovery Tribunal-I, Chandigarh, and the reasons assigned therein, and for reasons alike, subject to the petitioner depositing lease amount on monthly basis with the respondent-Bank as and when it is due, status quo as on date shall be continued till the matter is decided by the Debt Recovery Tribunal-I, Chandigarh in SA No. 161 of 2021 and SA No.162 of 2021.

Adjourned to 23.03.2022.”

4. It is a matter of record that all the three Debts Recovery Tribunal are now functional in Chandigarh. Therefore, we dispose of the present writ petition with liberty to the petitioner to file an appropriate application in the pending securitization applications bearing SA Nos.161 and 162 of 2021 for continuation of the stay, since the matter is stated to be fixed for 29.05.2023. It will be open to the Tribunal to put the parties to appropriate terms and conditions.

(G.S. SANDHAWALIA)  
JUDGE

(MANISHA BATRA)  
JUDGE

17.05.2023  
Naveen

|                             |     |    |
|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes |    |
| Whether Reportable :        |     | No |