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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-11288-CWP-2023 in/and
CWP-2320-2022 (O&M)
Date of Decision: 08.01.2024

Focus Imaging and Research Centre Pvt. Ltd. and Ors.

..... Petitioners

Versus

Debts Recovery Appellate Tribunal New Delhi and Ors.

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Ashish Chopra, Senior Advocate with
Mr. Vaibhav Narang, Advocate and
Mr. Gagandeep Singh, Advocate
for the petitioners.

Mr. Nahush Jain, Advocate
for the respondent-Bank.

LISA GILL, J.

1. This writ petition has been filed by petitioners challenging *interim* order dated 25.10.2021 (Annexure P-18) passed by learned Debts Recovery Appellate Tribunal, Delhi (hereinafter referred to as 'DRAT'). On appeal filed by respondent-Bank challenging order dated 15.09.2021 passed by learned Debts Recovery Tribunal-II, Chandigarh (Annexure P-16), learned DRAT directed the present petitioners to deposit with the bank, 50% of the debt in question within three days from date of communication of said order failing which respondent-Bank was held entitled to proceed further under SARFAESI Act against petitioners. The petitioners have also challenged subsequent proceedings Annexures P-22 and P-23.

2. Learned Debts Recovery Tribunal-II, Chandigarh (for short 'DRT-II') vide order dated 15.09.2021 had directed status quo to be maintained in respect to the mortgaged property. In the appeal filed by respondent-Bank for challenging said order dated 15.09.2021, various grounds had been taken by

respondent-Bank before learned DRAT, Delhi including that of lack of jurisdiction itself of DRT-II, Chandigarh to entertain the matter. Appeal before learned DRAT, Delhi is/was still admittedly pending when the present writ petition was filed by the petitioners. Ground taken by the petitioners was that as office of Chairperson, learned DRAT, Delhi was lying vacant, matter was not being heard. It is in this situation that present writ petition was entertained by this High Court in February, 2022. Admittedly, learned DRAT as of now is fully functional.

3. Moreover, it has been fairly brought to our notice by learned counsel for petitioners that S.A. filed by present petitioners was dismissed in default on 26.09.2023. Appeal challenging the said order filed by petitioners before learned DRAT is yet to be listed for hearing.

4. Keeping in view the facts and circumstances as above, it is undeniable that this writ petition is rendered infructuous. Same is disposed of accordingly with liberty to petitioners to pursue the remedy/remedies as are available to them in accordance with law. There is no expression of opinion on the merits of the matter.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(LISA GILL)
JUDGE

08.01.2024
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(AMARJOT BHATTI)
JUDGE

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