2024:PHHC:038608

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112 **COCP-913-2024**
Date of decision: 18.03.2024

M/S KHURRANA BLANKET HOUSE ...Petitioner

Versus

GOVIND AND ANR ...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Akhilesh Vyas, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. This is a contempt petition filed under Section 12 of the Contempt of Courts Act, 1971, for punishing the respondents for disobeying the order dated 05.02.2024 passed in SA-34-2024 by the Debts Recovery Tribunal-III, Chandigarh.

2. The present contempt petition has been filed qua the alleged violation of the order dated 05.02.2024 passed by the Debts Recovery Tribunal. However, the DRT does not fall within the definition of the Court; for the purpose of the Contempt of Court. The mechanism of the aforesaid institution is created only for the specific purpose, having no plenary powers of Court, as such. Neither the existence and working of DRT confirms to the concept of separation of powers, as clarified by the Hon'ble Supreme Court in 'Kesavananda Bharati Sripadagalvaru and others Vs. State of Kerala And Anr.' AIR 1973 Supreme Court 1461, nor is the Presiding Officer of DRT appointed and controlled in the manner as envisaged for the Court under the Constitution of India. Hence, the present

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petition is not maintainable qua the order dated 05.02.2024 passed in SA-34-2024 by the Debts Recovery Tribunal.

3. Dismissed.

18.03.2024 **(RAJBIR SEHRAWAT)**
parveen kumar **JUDGE**

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No

PARVEEN KUMAR
2024.03.21 07:32
I attest to the accuracy and
authenticity of this
order/judgment.