

2024:PHHC:013884-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.16665 of 2022 (O&M)

Date of Decision: 01.02.2024

M/S. SHREE RAMANAND INDUSTRIES PVT. LTD. AND OTHERS

..... Petitioner(s)

Versus

PUNJAB NATIONAL BANK, ERSTWHILE ORIENTAL BANK OF
COMMERCE AND AND ANOTHER

..... Respondent(s)

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

Present: Ms. Jyoti Sareen, Advocate
for petitioner.

Mr. Gaurav Goel, Advocate
for respondent no.1.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside order dated 12.07.2022, passed by learned Debt Recovery Tribunal-II, Chandigarh (for short DRT), wherein application filed by present petitioner seeking recall of order dated 16.09.2019, whereby right to file written statement by present petitioner was closed, has been dismissed.

2. OA No.4848/2017 was filed by respondent-Bank in which present petitioners put in appearance. It was directed on 06.08.2019 that written statement be filed on or before 07.09.2019 and matter was adjourned by learned DRT, Chandigarh, to 16.09.2019. On 16.09.2019, learned DRT closed the right of petitioner to file written statement and matter was adjourned to 14.01.2020. Due to outbreak of pandemic, COVID-19,

abovesaid OA was not taken up for effective hearing. Thereafter, application (Annexure P4) was filed by present petitioners seeking recall of order dated 16.09.2019 to the extent that right of petitioners to file written statement was closed on the ground that written statement was filed by present petitioners on 16.09.2019.

3. Learned counsel for petitioner submits that doubtlessly written statement in terms of order dated 06.08.2019 could not be filed on or before 07.09.2019 but the same was filed on 16.09.2019 i.e. the date for which OA filed by respondent-Bank had been adjourned to 06.08.2019. Factum of written statement being filed on 16.09.2019 itself could, however, not be brought to the notice of learned Tribunal as the counsel due to unavoidable circumstances could not be physically present when matter was taken up for hearing. Thereafter, due to outbreak of pandemic COVID-19, hearing of OA was not carried out. Subsequently, application seeking recall of order dated 16.09.2019 was filed by petitioner, which has been dismissed by learned DRT-II, Chandigarh.

4. Learned counsel for respondent no.1 submits that without raising question of maintainability of this writ petition and in the interest of expeditious disposal of OA filed by the Bank, he is on instructions from Mr.Gurmeet Kapoor, Senior Manager, Punjab National Bank, Circle Sastra, Karnal, to submit that respondent-Bank does not have any objection in case written statement is taken on record and matter is allowed to proceed.

5. Keeping in view specific stand of respondent-Bank and on the basis of concession so set forth but without going into question of maintainability of this writ petition, it is directed that written statement on behalf of petitioner filed on 16.09.2019 (Diary No.12669), be taken on record and OA-4848-2017 be adjudicated upon and decided in accordance

with law.

6. Writ petition is disposed of accordingly.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

01.02.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No