



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

COCP No.2379 of 2024 (O&M)

Date of Decision: 19.07.2024

PARKASH MAAN

.....Petitioner

Versus

THE AUTHORISED OFFICER, STATE BANK OF INDIA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Aman Arora, Advocate for the petitioner.

Mr. Gaurav Goel, Advocate for the respondents.

RAJBIR SEHRAWAT, J. (ORAL)

1. This is a contempt petition filed under Sections 10, 11 and 12 of the Contempt of Courts Act, 1971, for punishing the respondents for disobedience of the order dated 08.05.2024 passed by the Presiding Officer, Debts Recovery Tribunal-II, Chandigarh.

2. The present contempt petition has been filed qua the alleged violation of the order dated 08.05.2024 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



petition is not maintainable qua the order dated 08.05.2024 passed by the Debts Recovery Tribunal.

- 3. Dismissed.
- 4. However, the petitioner would be at liberty to avail any other remedy, but in accordance with law.

(RAJBIR SEHRAWAT)
JUDGE

19.07.2024
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No