



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH.**

**114**

**CWP-21070-2024.**

**Date of Decision: 11.09.2024.**

M/s Papneja Exports (India)

....Petitioner.

**VERSUS**

Reserve Bank of India and others

....Respondents.

**\*\*\***

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL  
HON'BLE MS. JUSTICE LAPITA BANERJI**

**---**

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

Mr. Himanshu Sharma, Advocate for respondent No.2-PNB.

**\*\*\*\*\***

**ANUPINDER SINGH GREWAL, J. (Oral)**

Learned counsel for the petitioner *inter alia* submits that physical possession of the secured asset is being taken and the property has to be put to auction on 19.09.2024. He submits that the petitioner has preferred SA before the DRT, but as the DRT-II is not functioning, the same is not being listed and heard. He also submits that the auction, which was slated on 28.08.2024 had not fructified for want of a bid. Respondent No.2-bank is aware of the fact that DRT-II is not functioning and despite that it has put the property for auction once again for 19.09.2024, thus, depriving the petitioner the right of statutory remedy as provided under the law. He also submits that the petitioner may be protected till the DRT-II resumes its functioning.

2. Issue notice to respondent No.2 only at this stage.
3. Mr. Himanshu Sharma, Advocate has put in appearance and accepts notice on behalf of respondent No.2-bank.
4. Heard.
5. The petitioner has preferred SA before the DRT-II and due to its non-functioning, the same is not being taken up for hearing.
6. It is settled law that the petitioner or a litigant cannot be left remediless especially when the same has been provided by a Statute. We also draw our support from the order of the Supreme Court dated 16.12.2021 in the case of **'State Bar Council of Madhya Pradesh Vs. Union of India'** *Special Leave Petition (C) No.10911/2021*. Relevant extract is reproduced herein-below:-

*“13. With a view to resolve the problem being faced by the parties, for the time being and purely as a stopgap arrangement, we request the concerned High Court(s) to entertain the matters falling within the jurisdiction of DRTs and DRATs under Article 226 of the Constitution of India, till further orders.*

*14. We make it clear that once the Tribunal(s) is/are constituted, the matters can be relegated to the Tribunals by the High Court(s).”*

7. As DRT-II is stated to be non-functional, it would be in the interest of justice, if the petitioner is protected for some time till the DRT-II resumes its functioning.
8. Consequently, the petition is disposed of with a direction that the sale shall not be confirmed for a period of 15 days after the DRT-II resumes its functioning. It is made clear that the petitioner shall not make any effort to delay the proceedings and shall cure the defects in the application, if any, immediately.

9.           Needless to observe that we are not making any expression on the merits of the case which would be adjudicated by the DRT in accordance with law.

(ANUPINDER SINGH GREWAL)  
JUDGE

(LAPITA BANERJI)  
JUDGE

11.09.2024  
*jitender*

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