



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

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CWP-24571-2024.

Date of Decision: 26.09.2024.

M/s Poswal Timber

....Petitioner.

VERSUS

State Bank of India

....Respondent.

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

Present: Mr. Rohiteshwar Singh, Advocate and
Mr. Parminder Walia, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (Oral)

Learned counsel for the petitioner submits that petitioner had availed CC Limit facility of Rs.12 Lakhs and Term Loan for a sum of Rs.8 Lakhs from the respondent-Bank. However, the petitioner could not repay the loan amount and his account was declared as NPA on 24.01.2024. Notice under Section 13(4) of the SARFAESI Act, has been issued on 09.04.2024 for taking possession of the secured assets which includes residential house of the petitioner. The petitioner has preferred SA bearing Diary No.2091 of 2024 on 23.09.2024 before DRT-II but as it is not functioning, the same is not being heard. Therefore, he submits that the petitioner may be protected for some time till DRT-II resumes its functioning.

2. Heard.

3. The petitioner has preferred SA before the DRT-II and due to its non-functioning, the same is not being taken up for hearing.

4. 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)."

5. 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.

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

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

26.09.2024

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