



CWP-24557-2024

1

292

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

CWP-24557-2024

Date of Decision: 26.09.2024

RAKESH KARDAM AND ANOTHER

.....PETITIONERS

VERSUS

**THE REGIONAL DIRECTOR, RESERVE BANK OF INDIA AND
OTHERS**

....RESPONDENTS

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

Present: Ms. Mansi, Advocate for
Mr. Bhisham Kumar Majoka, Advocate
for the petitioners.

Mr. Arman Sharma, Advocate and
Mohd. Aman Khan Afghani, Advocate
for respondent No.2.

Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Learned counsel for the petitioners submits that the petitioners had taken a loan of Rs.28,10,000/- on 29.03.2018 which was later increased and the total amount disbursed to the petitioners was Rs.32,80,000/-. She further submits that a sum of Rs.20,00,000/- had been repaid to the respondents. The



CWP-24557-2024

2

petitioners have approached the DRT-II by preferring SA-525-2024, but as DRT-II is not functioning, they do not have alternative remedy at this stage. She also submits that the respondents are intended to take possession of the sole residential house.

2. Learned counsel for respondent No.2 submits that the correct particulars have not been set out in the petition.

3. At this stage, learned counsel for the petitioners submits that it may be due to inadvertent typographical error.

4. After hearing learned counsel for the parties, we are of the considered opinion that the petitioners have approached the DRT-II by preferring SA, but the SA is not being taken up and heard as the DRT-II is not functioning at present.

5. The petitioners or a litigant cannot be left remediless especially when the same has been provided by the statute. We 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).”



CWP-24557-2024

3

6. The petition is disposed of with a direction that the petitioners shall be protected from dispossession from the sole residential house for a period of 15 days after the DRT-II resumes its functioning.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

26.09.2024
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Whether speaking/ reasoned : Yes/No
Whether Reportable : Yes/No