



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

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CWP-24851-2024.

Date of Decision: 25.09.2024.

Vinod Kumar

....Petitioner.

VERSUS

Punjab National Bank and another

....Respondents.

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

Present: Mr. Vivek Goyal, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (Oral)

Learned counsel for the petitioner submits that petitioner had availed CC Limit facility of Rs.3 Crores in the year 2004. The petitioner has preferred an SA No.169 of 2024 before DRT-II and the counsel for respondent-Bank had made a statement on 18.03.2024 that the auction which was challenged in the SA has been cancelled. He submits that the DRT-II is not functioning, but the respondent-Bank has again put the property to auction vide auction notice dated 07.09.2024. He also submits that petitioner had sought time to file rejoinder before DRT-II and the petitioner may be protected for some time till DRT-II resumes its functioning.

2. Issue notice to respondent No.1 only at this stage.
3. Mr. Himanshu Sharma, Advocate has put in appearance and accepts notice on behalf of respondent No.1-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. 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. 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 complete his pleadings before the DRT-II and shall not make any effort to delay the proceedings in any manner and shall cure the defects in the application, if any, immediately.

8. 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

25.09.2024
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No