



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

CWP No.4890 of 2025 (O&M)
Date of Decision: 20.02.2025

BIMLA

....Petitioner

Versus

DISTRICT MAGISTRATE, SONIPAT AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. D.K. Singal, Advocate for the respondent-Bank.

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ANUPINDER SINGH GREWAL, J. (Oral)

Learned counsel for the petitioner submits that he may be permitted to withdraw this petition with liberty to seek recourse to the alternative remedy in accordance with law. He further submits that the petitioner shall be preferring a Securitization Application before the DRT-II but the same will not be listed due to non-functioning of DRT-II. He submits that petitioner may be protected till the DRT-II resumes its functioning.

2. Heard.

3. It is settled law that the petitioner 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 hereinbelow:-

“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)”

4. 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. The petitioner would file the SA within a period of seven days from now.

5. The petition is dismissed as withdrawn with aforesaid liberty. It is directed that no coercive measures shall be taken against the petitioner for a period of 15 days after the DRT-II resumes its functioning.

6. It is clarified that in the event of the petitioner not filing the SA within a period of seven days, the respondent/Bank would be at liberty to initiate action under the SARFAESI Act.

(ANUPINDER SINGH GREWAL)
JUDGE

20.02.2025
sandeep

(DEEPAK MANCHANDA)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No