2025:PHHC:036078-DB

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

123 **CWP-7224-2025.**
Date of Decision: 17.03.2025.

M/s Harshika Motors and another ....Petitioners.

VERSUS

State Bank of India ....Respondent.

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

Present: Mr. Rohit Suri, Advocate for the petitioners.

Mr. Chandeep Singh, Advocate for respondent-Bank.

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<u>ANUPINDER SINGH GREWAL, J. (Oral)</u>

Learned counsel for the petitioners submits that the petitioners have preferred a Securitization Application No.30 of 2025, which had come up for hearing before DRT-II on 16.01.2025, whereon summons were issued to the respondent-Bank. Thereafter, the matter was adjourned for filing reply on the request of the counsel for the respondent-Bank on two occasions i.e. 05.02.2025 and 13.02.2025. However, on 13.02.2025, the matter was adjourned for 14.02.2025, but it could not be taken up on 14.02.2025 as the additional charge of DRT-II with the Presiding Officer of DRT-I had expired. Thereafter, the case has not been taken up for hearing for want of Presiding Officer of DRT-II. He further submits that petitioners had made an offer for One Time Settlement for Rs.88 Lakhs today itself, which has been rejected by the respondent-Bank. He also submits that the petitioners are willing to pay a sum of Rs.10 Lakhs in the non lien account by tomorrow and the respondent-Bank may be restrained from taking steps under SARFAESI Act.

2. Issue notice to the respondent.

3. Mr. Chandeep Singh, Advocate has put in appearance and accepts notice on behalf of the respondent-Bank. He submits that the outstanding amount in both the loan accounts is Rs.2.5 Crores approximately, which is controverted by the counsel for the petitioners as the respondent-Bank, vide their communication dated 17.03.2025 in response to the proposal sent by the petitioners, have stated that the outstanding amount in both the accounts is Rs.1.5 Crores plus interest and charges.

4. At this juncture, learned counsel for the petitioners submits that the petitioners are willing to settle the matter with the respondent-Bank and would be approaching the respondent-Bank in that regard. He further submits that since DRT-II is not functioning and the possession of the secured asset, which is fixed for tomorrow, be deferred till DRT-II resumes its functioning.

4. Heard.

5. It is settled law that the petitioners 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)."*

6. As DRT-II is stated to be non-functional, it would be in the interest of justice, if the petitioners are protected for some time till the DRT-II resumes its functioning.

7. The petition is disposed of with a direction that no coercive measures shall be taken against the petitioners for a period of 15 days after the DRT-II resumes its functioning. The petitioners shall pay afore-noted sum of Rs.10 Lakhs by tomorrow till 12:00 noon.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

17.03.2025
jitender

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