



CWP No.7442-2025 (O&M)

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

CWP No.7442-2025 (O&M)

Date of Decision: 18.03.2025

Satish Kumar

....Petitioner

Versus

District Magistrate, Panipat and others

.....Respondents

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

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

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ANUPINDER SINGH GREWAL, J. (Oral)

Learned counsel for the petitioner submits that the petitioner had taken a loan in the year 2007-08 for a total amount of Rs.14,17,577/-, from GE Money Financial Services, which were taken over by the Magma Fincorp Limited. He had been repaying the same and had paid an amount of Rs.27,66,744/- by way of installments. Later Magma Fincorp Limited was taken over by Poonawalla Finance. Poonawalla Finance assigned the loan of the petitioner to respondent No.3. The respondent No.3 has erroneously issued the notice under Section 13(2) of SARFAESI Act for an amount of Rs.39,18,594.80. The petitioner had preferred an SA No.667 of 2024 before the DRT-II. However, the same could not be taken up for hearing, as the DRT-II is non-functional for want of Presiding Officer.

2. Issue notice to respondents.

3. At the asking of the Court, Mr. Anant Kataria, DAG, Haryana accepts notice on behalf of the respondents No.1 and 2.

4. Heard.



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5. 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)”

6. 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.

7. At this juncture, Mr. Satya Pal Jain, Additional Solicitor General of India submits that the proposal for extending the additional charge of DRT-II to DRT-I has been sent to the Appointments Committee of the Cabinet (ACC).

8. The petition is disposed of with a direction that no coercive measures shall be taken against the petitioner for a period of 15 days after the DRT-II resumes its functioning.

(ANUPINDER SINGH GREWAL)
JUDGE

18.03.2025

sapna

(DEEPAK MANCHANDA)
JUDGE

Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No