



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

CWP No.17639 of 2025 (O&M)
Date of Decision: 03.07.2025

SATISH KUMAR AND ORSPetitioners
Versus
UNION OF INDIA AND ORSRespondents

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

Present: Mr. Ashutosh Pandey, Advocate for the petitioners.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Ms. Shalini Atri, Advocate,
Senior Panel Counsel,
for respondents No.1 and 2-UOI.

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ANUPINDER SINGH GREWAL, J. (Oral)

Learned counsel for the petitioners submits that the petitioners had impugned the order dated 03.02.2025 passed by Debts Recovery Tribunal-II, Chandigarh by preferring an appeal before the Debts Recovery Appellate Tribunal, Delhi. He also submits that the Debts Recovery Appellate Tribunal, Delhi is not functioning as the Chairperson is on leave for more than a month and the petitioners are being dispossessed by the respondent-Bank from the secured asset as the possession notice had been issued on 28.05.2025 for taking possession of the property on 26.06.2025. He, therefore, submits that his case be transferred to another Debts Recovery Appellate Tribunal to enable expeditious disposal of his appeal.

2. Learned counsel for the respondents-UOI submits that the Presiding Officer is indeed on leave for over a month and if the petitioners



want expeditious disposal, they can move an appropriate application before the Registry of Debts Recovery Appellate Tribunal, Delhi and his case can be transferred to another Debts Recovery Appellate Tribunal.

3. Heard.

4. The petitioners had challenged the order dated 03.02.2025 passed by the DRT-II, Chandigarh by preferring an appeal bearing diary No.391/2025 before the Debts Recovery Appellate Tribunal, Delhi.

5. It is manifest that the Debts Recovery Appellate Tribunal, Delhi is not functioning, as a result of which, the petitioners' appeal as well as application for interim relief is not being taken up for hearing.

6. 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)”

7. In the afore-noted facts and circumstances, it would be in the interest of justice, if the appeal preferred by the petitioners bearing diary



No.391/2025 is transferred to Debts Recovery Appellate Tribunal, Mumbai.

8. The Registrar of Debts Recovery Appellate Tribunal, Delhi shall forward all the necessary papers to Debts Recovery Appellate Tribunal, Mumbai for adjudication of the appeal.

9. The petition stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

03.07.2025
sandeep

(DEEPAK MANCHANDA)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No