



CWP-22918-2023

1

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

CWP-22918-2023

Date of decision: 14.01.2026

STATE BANK OF INDIA

....PETITIONER

Versus

DRT-II AND ANR

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: - Mr. A.S. Gagrha, Advocate for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India,
(through Video Conferencing) (arguing counsel) with
Mr. Sahil Garg, Advocate for respondent No.2-UOI.

Mr. Karan Sharma, Advocate for
Mr. Nitin Thatai, Advocate
for respondent No.3-Bank.

SHEEL NAGU, C.J. (Oral)

The present petition assails the order dated 29.09.2023 (Annexure P-4) by which OA No.2879 of 2017 has been restored by recalling the order dated 14.08.2023 through which the said OA had been dismissed for want of prosecution on 14.08.2023 (Annexure P-1) when the members of the Bar were abstaining from work before the DRT-II, Chandigarh.

2. By the impugned order dated 29.09.2023 (Annexure P-4), the OA has been restored, but the grievance of the SBI, who is the petitioner herein, is as to the imposition of cost of Rs.50,000/-. Pertinently, payment of the said cost has been stayed by this Court by interim order dated 10.10.2023.



CWP-22918-2023

2

3. It is obvious from the findings recorded by the DRT-II that the Tribunal did not find the absence of lawyers justified by placing reliance on the decisions of *‘Ex-Capt. Harish Uppal, Versus Union of India and Another’*, AIR 2003 SC 739, and *‘Common Cause ‘A’ Registered Society Versus Union of India and others etc.’*, AIR 2005 SC 4442.

4. We are not in total disagreement with the findings rendered in the impugned order dated 29.09.2023 (Annexure P-4), since it is the duty of every lawyer to appear as and when the case is called in a Court of Law, and any reason, much less the reason of a call of abstention from the Bar Association or Bar Council, can justify a lawyer’s absence.

5. However, looking to the fact that the quantum of penalty is on the higher side, we are ready and willing to reduce the quantum of penalty from Rs.50,000/- to Rs.10,000/- which shall be paid by learned counsel for the petitioner within a period of 15 days in the Poor Patients Wefare Fund of the PGIMER, Chandigarh.

6. Disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

14.01.2026
kanika

(SANJIV BERRY)
JUDGE

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |