



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

120

**CWP-4544-2025 (O&M)
Date of Decision: 19.02.2025.**

M/s Sarabjit Singh and Company and anotherPetitioners.

VERSUS

Debts Recovery Tribunal III and othersRespondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. Gaurav Rana, Advocate for the petitioners.

Mr. Rajiv Joshi, Advocate for respondents No.2 and 3.

Mr. Aftab Singh Khara, Senior Deputy Advocate General,
Punjab.

Mr. Satya Pal Jain, Addl. Solicitor General of India, assisted by
Mr. Dheeraj Jain, Senior Panel Counsel and
Ms. Neha Dalal, Advocate.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioners have challenged the orders dated 20.01.2025 (Annexure P-21) and 11.02.2025 (Annexure P-22) passed by the DRT-III, Chandigarh, whereby the IA filed by the petitioners seeking stay of action of authorities for taking physical possession of the secured asset and seeking preponement have been dismissed.

2. Learned senior counsel for the petitioners submits that the applications (IA No.87 and 186 of 2025) preferred by the petitioners have been dismissed by DRT-III, Chandigarh, vide orders dated 20.01.2025 and

11.02.2025 respectively. He submits that the application i.e., IA-87-2025 has been erroneously dismissed on the ground that the board was heavy and there was acute shortage of stenographers and efficient typists' in the Tribunal. He further submits that the petitioners are ready to make the entire payment as sought by the respondent-Bank. He, therefore, prays for interim relief till the application of the petitioners is decided by the DRT-III, Chandigarh.

3. Learned counsel for respondents No.2 and 3 upon instructions from Inderjeet Saneta, Authorized Officer, Chief Manager, Bank of India, ARB Branch, Ludhiana, submits that the petitioners would not be dispossessed from the secured asset till 28.02.2025.

4. Heard.

5. We are of the considered view that the dismissal of the application(s) on account of shortage of stenographers and typists is unwarranted and the applications ought to have been heard and decided on merits. In the event of shortage of infrastructure and staff, the Presiding Officer ought to have raised the issue with the competent authority and it could not be the reason for dismissal of the application. Therefore, impugned orders dated 20.01.2025 and 11.02.2025 passed by the DRT-III, Chandigarh deserve to be set aside.

6. Consequently this petition is allowed and the impugned orders dated 20.01.2025 (Annexure P-21) and 11.02.2025 (Annexure P-22) passed by the DRT-III, Chandigarh are set aside. The matter is remanded back to the DRT-III, Chandigarh to decide the applications afresh expeditiously in accordance with law while considering the afore-noted proposal.

7. It is manifest there is shortage of stenographers and typists in the DRT-III, Chandigarh.

8. Mr. Satya Pal Jain, Addl. Solicitor General of India, who is present in the Court assisted by Mr. Dheeraj Jain, Senior Panel Counsel and Ms. Neha Dalal, Advocate, submits that let the Presiding Officer send a requisition with regard to the requirement of staff and the same would be addressed at the earliest.

9. The presiding officer is requested to send the requisition of staff forthwith to the Government of India with a copy to learned Addl. Solicitor General of India.

(ANUPINDER SINGH GREWAL)
JUDGE

(SUMEET GOEL)
JUDGE

19.02.2025

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No