



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

**CWP No.5183 of 2025 (O&M)
Date of Decision: 24.02.2025**

Farida and another

...Petitioners

Versus

Ld. Authorized Officer, Indian Bank and others

.....Respondents

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

Present: Mr. Sunny Kumar Singla, Advocate
 for the petitioners.

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ANUPINDER SINGH GREWAL, J. (Oral)

Learned counsel for the petitioners submits that the petitioners shall be preferring a Securitization Application before the DRT-II but the same will not be listed due to non-functioning of DRT-II. He submits that petitioners may be protected till the DRT-II resumes its functioning.

2. Issue notice to the respondents.

3. At the asking of the Court, Mr. Gaurav Goel, Advocate accepts notice on behalf of respondents-Bank.

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. The petitioners would file the SA within a period of seven days from now.

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

8. It is clarified that in the event of the petitioners not filing the SA within a period of seven days, the respondent/Bank would be at liberty to initiate action under the SARFAESI Act.

(ANUPINDER SINGH GREWAL)
JUDGE

24.02.2025
sapna

(DEEPAK MANCHANDA)
JUDGE

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