



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

CWP No.6770 of 2025 (O&M)  
Date of Decision: 10.03.2025

M/S SHREE GANESH AGRO INDUSTRIES AND OTHERS

....Petitioners

Versus

THE AUTHORISED OFFICER CUM REGIONAL MANAGER SARVA  
HARYANA GRAMIN BANK AND OTHERS

.....Respondents

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

Present: Mr. D.K. Singal, Advocate for the petitioners.

Mr. Bhushan Bhatia, Advocate,  
for the respondent-Bank. (Through V.C.)

Mr. Satya Pal Jain, Addl. Solicitor General of India with  
Mr. Dheeraj Jain, Senior Panel Counsel for UOI.

\* \* \* \* \*

**ANUPINDER SINGH GREWAL, J. (Oral)**

The petitioners have challenged the sale notice dated 20.02.2025 (Annexure P-12), whereby the respondents have invited auction for the sale of properties of the petitioners under the SARFAESI Act and Security Interest (Enforcement) Rules, 2002.

2. Learned counsel for the petitioners submits that the petitioners have preferred a Securitization Application No.125/2025 which is pending adjudication before the DRT-II. However, the same is not being listed due to non-functioning of DRT-II. The petitioners have also preferred a miscellaneous application before the DRAT seeking direction for listing of the appeal before the Tribunal which is functional. The matter could not be



taken up for hearing on 07.03.2025 as the Chairman of DRAT was on leave that day. He submits that as per the notice dated 05.02.2022 issued under Section 13(2) of the SARFAESI Act, the outstanding amount was Rs.49,62,206.84/-. He submits that the petitioners are willing to pay the outstanding amount but prays for some time in this regard. He has brought a demand draft of Rs.20 Lakhs. He submits that petitioners may be protected till the DRT-II resumes its functioning.

3. Learned counsel for the respondent-Bank submits that the outstanding amount as on date is about Rs.76 Lakhs. He further submits that he has received instructions from the Bank not to accept the amount of Rs.20 Lakhs being offered by the petitioner, at this stage.

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.

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 petitioners for a period of 15 days after the DRT-II resumes its functioning.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**10.03.2025**  
*sandeep*

**(DEEPAK MANCHANDA)**  
**JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No