



117 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.5187 of 2025 (O&M)
Date of Decision: 25.02.2025

Altab and another

...Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Imtiyaz Hussain, Advocate for the petitioners.

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ANUPINDER SINGH GREWAL, J. (Oral)

Learned counsel for the petitioners submits that he may be permitted to withdraw this petition with liberty to seek recourse to the alternative remedy in accordance with law. He further 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. Anant Kataria, DAG, accepts notice on behalf of respondents No.1 and 2.

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. 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 The petition is dismissed as withdrawn with aforesaid liberty. It is directed that no coercive measures shall be taken against the petitioners for a period of 15 days after the DRT-II resumes its functioning.

9. 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

25.02.2025

sapna

(DEEPAK MANCHANDA)
JUDGE

Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No