



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101+202

CWP-5268-2020 (O&M)

DATE OF DECISION: 18.02.2025

VIKAS SHARMA

... Petitioner (s)

Versus

**CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LTD
AND ORS**

... Respondent(s)

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

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Ms. Puja Chopra, Advocate for respondents.

ANUPINDER SINGH GREWAL, J. (ORAL)

Learned counsel for the petitioner 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 petitioner shall be preferring securitization application (S.A.) before DRT-II and as DRT-II is not functioning at present, he be protected till DRT-II resumes its functioning. He also submits that he will file S.A. within a week. He also submits that as the petitioner was legitimately pursuing his remedy before this Court, therefore, the time which has been taken for filing this petition be directed to be excluded while computing the period of limitation.

2. Heard.

3. It is settled law that the petitioner cannot be left remediless especially when the same has been provided by a Statute.

We also draw our support from the 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 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).”

4. As DRT-II is stated to be non-functional, it would be in the interest of justice, if the petitioner is protected for some time till the DRT-II resumes its functioning.

5. It is also trite that the time spent by a litigant in pursuing a matter in good faith before another forum is to be excluded while computing the period of limitation under Section 14 of the Limitation Act.

6. The petition stands dismissed as withdrawn with the aforesaid liberty. The petitioner shall file S.A. within a week and the same shall be considered and decided on merits by the DRT-II. It is directed that no coercive steps under the SARFAESI Act would be taken against the petitioner for a period of 15 days after the DRT-II resumes its functioning.

7. Pending applications also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

18.02.2025

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No