



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

124

**CWP-7092-2025 (O&M)
Decided on :19.03.2025**

M/s Anand Packwell & Anr.

....Petitioners

VERSUS

HDFC Bank & Anr.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Nishant Pathak, Advocate with
Mr. Vijiyesh Malhotra, Advocate and
Mr. Navraj Singh, Advocate
for the petitioners.

Mr. Arjun Shukla, Advocate
for the respondent No.1.

SUDHIR SINGH, J (ORAL)

The petitioners have sought issuance of writ in the nature of mandamus directing the respondents to not take any coercive step against the property of the petitioners till the pendency of the Securitization Application No.50 of 2025, filed before the Debts Recovery Tribunal-II, Chandigarh.

2 On the last date of hearing i.e.,17.03.2025, the following order was passed by this Court:-

‘Learned counsel for the parties are ad idem that there are some chances of an amicable settlement of the dispute(s) between them.

Learned counsel for the petitioner points out that pursuant to the order dated 31.01.2025, passed by the Debts Recovery Tribunal, an amount of Rs.50,00,000/- has been deposited but nothing is forthcoming from the respondent-Bank as regards the handing over the possession or the modalities regarding the payment of the balance amount. It is further contended by the learned counsel for the petitioner that the petitioner is ready to arrange the balance amount by selling the machineries lying at its unit. It is further pointed out that the matter could not be pursued before the Debts Recovery Tribunal as the same is not functional for the present.

Let a specific affidavit containing the abovesaid averments be filed by the petitioner.

List on 19.03.2025.

In the meantime, the parties are directed to maintain status quo.'

3 A perusal of Annexure P-5 annexed in the present writ petition would indicate that the Presiding Officer, DRT-II, Chandigarh (Addl. Charge) passed the following order on 31.01.2025.

'Present: Sh. Navraj Singh, Advocate for the applicant.
Sh. Arjun Shukla, Advocate for the respondent-Bank.

Counsel for the respondent-Bank states that the Bank has taken the possession today. However, counsel for the applicant denies this fact.

In these circumstances, it is hereby ordered that in case the applicant pays Rs.50 lacs by 20.02.2025, the Bank would restore the possession. Counsel for the applicant would also submit the proposal for repayment.

To come up on 21.02.2025.

(A.S. Narang)
Presiding Officer, DRT-2,
Chandigarh (Addl. Charge)'

4 Admittedly, the petitioners have already availed the remedy by way of an application before the DRT-II, Chandigarh, which, as noticed above, is pending for adjudication.

5 Considering the said fact, this Court is of the considered opinion that the petitioners cannot be allowed to rake up the same issue by availing two parallel remedies.

6 However, at this stage, learned counsel for the petitioners submits that DRT-II is not functional as of now, that is why no orders are being passed in the application filed by the petitioners.

7 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).”

8. 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.

9. The present writ 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.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

19.03.2025
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No