



to non-functioning of DRT-II. He submits that petitioner may be protected till the DRT-II resumes its functioning.

2. Learned counsel for the respondent-Bank submits that as per notice dated 08.10.2024 issued under Section 13 (2) of SARFAESI Act, the liability was Rs.52.40 Lakhs and at present the liability is around Rs.70 Lakhs.

3. However, at this juncture, learned counsel for the petitioner submits that as per the reply dated 10.02.2025 (Annexure P-11) to the legal notice sent by the petitioner, the respondent-Bank had stated that as on 05.02.2025, the outstanding amount was Rs.35 Lakhs approximately.

4. Heard.

5. 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 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 petitioner is 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 petitioner for a period of 15 days after the DRT-II resumes its functioning.

(ANUPINDER SINGH GREWAL)
JUDGE

11.03.2025
sandeep

(DEEPAK MANCHANDA)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No