

(2022) 07 TEL CK 0020
In the Telangana High Court
Case No : Writ Petition No. 23456 Of 2022

M/S. Samriddhi Petrol Products Private Ltd	APPELLANT
Vs	
Debts Recovery Tribunal-I Hyderabad, Rep.By Its Registrar And Two Others	RESPONDENT

Date of Decision : 07-07-2022

Acts Referred:

Recovery Of Debts And Bankruptcy Act, 1993 — Section 22(2)(h)
Securitisation And Reconstruction Of Financial Assets And Enforcement Of Security
Interest Act, 2022 — Section 17, 18

Citation : (2022) 07 TEL CK 0020

Hon'ble Judges : P.Naveen Rao, J;Dr. G.Radha Rani, J

Bench : Division Bench

Advocate : G V B Santhosh Kumar

Final Decision : Dismissed

Judgement

1. This Writ Petition is preferred challenging the order of the Debts Recovery Tribunal – I, Hyderabad, dated 28.04.2022, in I.A.No.161 of 2021 in S.A.No.13 of 2021.
2. The said application was filed under Section 22 (2)(h) of the Recovery of Debts and Bankruptcy Act, 1993 directing respondent Nos.1 and 2 to produce before the Tribunal the documents as set out in the petition. The Tribunal by the above said order dated 28.04.2022, dismissed the said application holding that as the petitioner is not a party to any of the documents sought to be produced by the Bank and the petitioner is nothing to do with the dispute between respondent No.4 and the respondent Nos.1 & 2, that there was no need to direct the respondent Nos.1 and 2 - Bank for production of documents as sought in the petition.
3. This is an order passed under Section 17 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2022 (for short, 'the Act'). On a decision made by the Debts Recovery Tribunal under Section 17

of the Act, remedy of appeal to the appellate Tribunal is provided by Section 18 of the Act. It is an effective and efficacious remedy. Without availing the remedy of appeal provided by Section 18 of the Act, this Writ Petition is filed.

4. It is well settled principle needs no reiteration that whenever petitioner has an alternative and efficacious remedy, the writ Court should not entertain the writ petitions and relegate the party to avail the remedy provided by the statute.

5. The statute provides the remedy of appeal, which is an effective and efficacious remedy. Since the petitioner has an effective and efficacious remedy in the form of appeal under Section 18 of the Act, we are not inclined to entertain the writ petition. Accordingly, the Writ Petition is dismissed.

6. At this stage, learned senior counsel submits that as the limitation prescribes to avail the remedy of appeal under Section 18 is thirty (30) days, whereas this matter is pending for the last more than two months, the time spent may be excluded. Petitioner is granted liberty to file appeal before the Debt Recovery Appellate Tribunal along with application for condonation of delay by assigning reasons as urged herein. The Tribunal shall consider the same objectively and pass appropriate orders. Pending Miscellaneous applications, if any, in this Writ Petition, shall stand closed.