
(2023) 10 UK CK 0039

In the Uttarakhand High Court

Case No : Writ Petition (M/B) No. 280 Of 2023

M/s Sona Agro Seeds & Others

APPELLANT

Vs

Punjab National Bank & Another

RESPONDENT

Date of Decision : 10-10-2023

Acts Referred:

Citation : (2023) 10 UK CK 0039

Hon'ble Judges : Vipin Sanghi, CJ;Rakesh Thapliyal, J

Bench : Division Bench

Advocate : Atul Kumar Bansal, Shobhit Joshi

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1) The petitioners have preferred the present writ petition to seek the following relief :

"i) Issue a writ, order or direction in the nature of mandamus commanding the respondent No. 2 herein to take a decision on I.A. No. 135 of 2023 filed by the petitioners in OA No. 227 of 2022 after hearing all the parties concern on I.A. No. 135 of 2023 before hearing the final arguments in OA No. 227 of 2022."

2) The case of the petitioners is that the petitioners have denied certain documents relied upon by the respondent bank in the Original Application preferred before the Debts Recovery Tribunal for recovery of the loaned amount.

3) The petitioners, who are defending the said Original Application, moved an application, being I.A. No. 135 of 2023, in O.A. No. 227 of 2022, requesting that the witness of the respondent bank be summoned for cross-examination. However, the said application has not been decided by the DRT, and the DRT has fixed the matter for final hearing of the arguments in the Original Application.

4) We are not inclined to entertain this petition. It is not for this Court to

interfere with the ongoing proceedings before the DRT. Such like interference at the interlocutory stages would completely defeat the purpose of the enactment of the Recovery of Debts and Bankruptcy Act, as it impinges the progress of the proceedings. Moreover, appellate remedy is available to the petitioners before the Debts Recovery Appellate Tribunal. The same has not been invoked.

5) The writ petition is, accordingly, dismissed.

6) Stay Application (IA No. 01 of 2023) also stands disposed of.