

(2023) 10 UK CK 0040
In the Uttarakhand High Court
Case No : Writ Petition (M/B) No. 282 Of 2023

Sahota Seeds Limited

APPELLANT

Vs

Punjab National Bank & Another

RESPONDENT

Date of Decision : 10-10-2023

Acts Referred:

Citation : (2023) 10 UK CK 0040

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 petitioner has 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. 136 of 2023 filed by the petitioner in OA No. 532 of 2021 after hearing all the parties concerned on I.A. No. 136 of 2023 before hearing the final arguments in OA No. 532 of 2021."

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

3) The petitioner, who is defending the said Original Application, moved an application, being I.A. No. 136 of 2023, in O.A. No. 532 of 2021, 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 petitioner 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.