

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).11029/2024

(Arising out of impugned final judgment and order dated 15-03-2024 in WP No. 6662/2024 passed by the High Court Of Andhra Pradesh at Amravati)

SUPERWHIZZ PROFESSIONALS PRIVATE LIMITED Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(IA No. 118687/2024 - INTERVENTION/IMPLEADMENT
IA No. 114138/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES)

Date : 21-10-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Shri Singh, Adv.
Mr. Gaganjyot Singh, Adv.
Ms. Riddhi Sancheti, AOR

For Respondent(s) Mr. N Venkatraman, A.S.G.
Mr. Rupesh Kumar, Sr. Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. V Chandrashekhara Bharathi, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Udai Khanna, Adv.
Mr. Jagdish Chandra, Adv.

Mr. Chitranshul A. Sinha, AOR
Mr. Y. Raja Gopala Rao, AOR
Ms. Ankita Gautam, AOR

UPON hearing the counsel the Court made the following
O R D E R

We have perused the further report submitted by the learned Presiding Officer, Debts Recovery Tribunal (DRT) at Visakhapatnam,

Andhra Pradesh. We have perused the e-mail dated 9th September, 2024 issued by the Section Officer of Ministry of Finance which required huge data to be collected by the DRTs across India within span of three days upto 12th September, 2024. The e-mail itself was forwarded at the end of the day on 9th December, 2024 at 5.08 p.m. That is why all the staff members including the stenographers attached to the members of DRT at Visakhapatnam remained busy in the work of collection of data in the second session.

The Ministry owes an explanation for calling upon DRTs to collect such a huge data within such a short time. We are surprised to note that even DRTs were entrusted the responsibility collecting data regarding amounts recovered on the basis of their orders. We wonder how this exercise could have been done by DRTs.

By an affidavit dated 17th October, 2024, the Under Secretary of the Department of Finance has justified the action on the part of the Ministry. Surprisingly, for defending the action, reliance is placed on oral directions issued by this Court on 15th December, 2023. Even assuming that such oral directions were issued on 15th December, 2023, we do not understand the propriety of issuing the e-mail nine months thereafter giving time of only three days to DRTs to furnish the data. In the entire affidavit, there is no explanation why such e-mail was issued to the Registrars of DRTs on 9th September, 2024. We are not at all satisfied with the explanation offered by the Respondent no.1 in the affidavit of Mr. S.D. Sharma, Under Secretary. The Secretary of the concerned Department shall look into the entire matter after going through the orders of this Court and other material on record and shall

ensure that a proper affidavit is filed in response to the order dated 30th September, 2024. Whether Ministry can call upon DRTs to collect such a huge data is another matter. But if such data is required to be collected, it is obvious that additional hands will have to be provided by the Ministry to the DRTs. A proper affidavit shall be filed within one month from today.

List on 22nd November, 2024 for considering the said affidavit.

A copy of the order dated 1st October, 2024 passed by the learned DRT, Visakhapatnam is taken on record. Nothing further is required to be done on merits as now the petitioner will have to adopt appropriate remedy in accordance with law.

This SLP will remain pending only for considering further affidavit.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)