

DEBTS RECOVERY TRIBUNAL BAR ASSOCIATION VERSUS UNION OF INDIA AND OTHERS.

Present:- Mr. Anand Chhibbar, Sr. Advocate assisted by Mr. Santokhwinder Singh Grewal, President, High Court Bar Association, Mr. Karan Nehra, Vice President, High Court Bar Association, Ms. Monika Sharma, Secretary, High Court Bar Association, Mr. K.P.S. Dhillon, President DRT Bar Association, Chandigarh and Mr. R.S. Bhatia, Mr. Atul Sharma, Mr. Gaurav Goel and Mr. Amit Rishi, Advocates for the petitioner.

Notice of motion for 30.11.2022.

Mr. Dheeraj Jain, Senior Counsel, Govt. of India assisting counsel of Mr. Satya Pal Jain, Additional Solicitor General of India accepts notice for respondent No.1 UOI.

In this Writ Petition, certain serious allegations are levelled by the petitioner Association against the 4th respondent who is the Presiding Officer of the Debts Recovery Tribunal-II, Chandigarh.

These allegations include his alleged rude behaviour and harassment of counsel appearing both for financial institutions and borrowers etc., and adjourning of matters even in cases where ex-parte hearing of OAs is to be done to 2026, and beyond. The petitioner has also filed Annexure P-11 order passed by the 4th respondent adjourning a matter of 2021, where the respondent had become ex-parte, to 2026. Petitioner asserts that there are several such orders passed by the 4th respondent.

Relationship with the Bar Association appears to be severally strained, and the Bar appears to have gone on strike from 26.10.2022, and counsels are not appearing before the 4th respondent. Though Nodal Officers of Banks were appearing in cases before the 4th respondent, the 4th

respondent has taken a stand that they had no authority to appear in the OAs, and they are not authorized officers of the respective Banks who have instituted the OAs, and several orders have been passed by the 4th respondent dismissing OAs for default which are enclosed as Annexure P-10, all of which are almost identical.

While we do not appreciate the conduct on the part of the members of the petitioner's Association going on strike, in view of the severally strained relationship between members of the petitioner's Association and the 4th respondent, some steps need to be taken to ensure that injustice is not done to the parties, and there is no wholesale dismissal of cases pending before the 3rd respondent Tribunal or passing of adverse orders therein by the 4th respondent (as is evident from Annexure P-10 orders)

Therefore, in exercise of the powers of superintendence possessed by this Court under Article 227 of the Constitution of India as highlighted by the Supreme Court in its judgment dt.22.1.2013 in Civil Appeal Nos. 617-618 of 2013 in the cases of Union of India and Ors. versus Debts Recovery Tribunal Bar Association and another, the 4th respondent is restrained from today from passing any adverse orders in any of the cases (OAs or SAs) pending before the 3rd respondent Tribunal of which he is the Presiding Officer, till the next date of hearing.

This order be communicated to the 3rd respondent and the 4th respondent forthwith.

Reply be filed by the first respondent by the next date of hearing with copy in advance to the counsel opposite.

This order shall not preclude the parties from filing fresh OAs or SAs before the respondent No. 3 Tribunal.

(M.S. Ramachandra Rao)
Judge

(H.S. Madaan)
Judge

27.10.2022

P.Singh