

Case :- WRIT - C No. - 682 of 2022

Petitioner :- Canara Bank/Assets Recovery Mgmt.Branch,Lko.Thru.Chief Manager Ajeet Kumar Srivastava

Respondent :- Debts Recovery Tribunal Lucknow And 2 Others

Counsel for Petitioner :- Alok Saxena

Counsel for Respondent :- Suneet Kumar Sharma

And

Case :- WRIT - C No. - 692 of 2022

Petitioner :- Canara Bank/Assets Recovery Mgmt. Branch,Gomti Nagar,Lko.Thru.Chief Manager Ajeet Kumar Srivastava

Respondent :- Debts Recovery Tribunal,Lucknow And 5 Others

Counsel for Petitioner :- Alok Saxena

Counsel for Respondent :- Rajeev Sharan

Hon'ble Dinesh Kumar Singh,J.

1. Notices in Writ A No.682 of 2022 on behalf of respondent Nos.2 and 3 has been accepted by Mr.Amarjeet Singh Rakhra, Advocate and Mr. Rakesh Srivastava, Advocate respectively. learned Additional Chief Standing Counsel. Notices in Writ C No.692 of 2022 on behalf of respondent Nos.2 to 5 and 6 have been accepted by Mr. Rajeev Sharma, Advocate and Mr.G.S. Mishra, Advocate respectively.

2. The petitioner has approached this Court against the orders dated 19.01.2022 and 03.01.2022 passed by Debt Recovery Tribunal, Lucknow in S.A. No.795 and 2019 and S.A. No.618 of 2018 respectively.

3. Occasion to approach this Court directly in writ jurisdiction has arisen because of keeping the post of Presiding Officer/Chairman of Debt Recovery Appellate Tribunal vacant for more than three months.

4. The Recovery of Debts and Bankruptcy Act, 1993 provides for establishment for Debt Recovery Tribunal/Debt Recovery Appellate Tribunal for the purpose of adjudicating the disputes for recovery etc., of the loan advanced by the financial institutions. For the said purposes, the tribunals and appellate tribunals have been set up and

adjudicatory mechanism have been provided under the Act and rules framed thereunder.

5. It is unfortunate that after creating mechanism and adjudicatory forums, for several months and in some cases years, the posts of Presiding Officer/Chairman are kept vacant and the litigants have to come to this Court. This increases the burden of the High Court unnecessarily. If the Government is unable to appoint competent persons as Presiding Officers/Chairmen in D.R.Ts./D.R.A.Ts., then it is better that this enactment is scrapped and the tribunals are abolished.

6. In view thereof, it would be appropriate to seek a response from the Secretary, Ministry of Finance, Government of India that what is preventing the Government to appoint Presiding Officers/Chairmen in D.R.Ts./D.R.A.Ts., which are vacant for several months in the country. Let an appropriate response be filed within a period of 2 weeks by the Secretary, Ministry of Finance, Government of India.

7. Copies of the writ petitions are to be served in the office of Assistant Solicitor General of India today itself by the petitioner.

8. Till the next date of listing of the petitions, respondents are directed to maintain status quo in respect of the properties in question.

9. List after two weeks.

10. In the meantime, the respondents may file their counter affidavits to the writ petitions.

(Dinesh Kumar Singh, J.)

Order Date :- 8.2.2022
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