

Time limit for pronouncement of judgments by Debt Recovery Tribunals after conclusion of arguments: DRAT KOLKATA

A.O. Union Bank of India

...Appellant

Mr. Brajamohan Pattanaik & ors

...Respondent

Case No: Dy. No. 751 of 2023

Date of Judgement: 22.11.2023

Judges:

Anil Kumar Srivastava, J- Chairperson

For Appellant: Mr. Pankaj Kumar Mukherjee, Advocate.

For Respondent: None.

Facts:

The Union Bank of India filed an application under Section 17(6) of the SARFAESI Act seeking a direction to the Debt Recovery Tribunal (DRT), Cuttack for disposal of Securitisation Application No. 117 of 2021 within a time fixed by the Appellate Tribunal. As per the report of the Registrar, DRT Cuttack dated 25.10.2023 and the order sheets in SA No. 117/2021, arguments were heard by the Presiding Officer, DRT Cuttack on 13.03.2023 and judgment was reserved. However, the judgment has not been delivered even after over 8 months. Section 17(6) of the SARFAESI Act empowers the Debt Recovery Appellate Tribunal (DRAT) to exercise administrative control over DRTs under its jurisdiction including regulating procedures followed by them.

Elaborate Opinion of the Tribunal:

DRTs are expected to conclude proceedings and deliver orders/judgments expeditiously after conclusion of arguments. Though no strict time limit is prescribed for pronouncement of judgments under Order XX CPC, it is advisable for DRTs to pronounce judgments within a reasonable time which may be 15 days to maximum 4 weeks after conclusion of arguments. Keeping judgments reserved for over 8 months is not reasonable. The Hon'ble Supreme Court has also expressed concern over long pendency of judgments after conclusion of arguments. Hence, it would be appropriate for the DRT Cuttack to pronounce judgment in SA No. 117/2021 within 4 weeks. This time limit should also be followed by DRTs under the jurisdiction of DRAT Kolkata in future. A copy of this order should be circulated to all Presiding Officers of DRTs for their guidance and compliance regarding time limit for pronouncing judgments.

Arguments by Parties:

Arguments were advanced by counsel for the Union Bank of India. None appeared for the Respondents.

Sections & Laws Referred/Applied:

*Section 17(6) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act)
Order XX Civil Procedure Code, 1908*

Directions & Disposal:

The DRT Cuttack is directed to pronounce judgment in SA No. 117/2021 within 4 weeks. Copy of this order to be supplied to the parties and the concerned DRT. Also to be circulated to all Presiding Officers of DRTs. Diary No. 751/2023 disposed accordingly. File consigned to record room.

Case Laws Referred:

No case laws were referred in the order.

Download

Court

Copy <https://dreamlaw.in/wp-content/uploads/2024/02/DRAT-KOLKATA62.pdf>

Full Text of Judgment:

Heard the Learned Counsel for the Applicant and perused the report of the Registrar DRT Cuttack along with the copy of the order sheets of SA No. 117 of 2021.

An application is filed by the Applicant under Sub Section (6) of Section 17 of the SARFAESI Act for a direction to the Learned DRT Cuttack for disposal of SA No. 117 of 2021 within a time fixed by the Appellate Tribunal.

As would appear from the report of the Registrar DRT Cuttack dated 25.10.2023 as well as the copy of order sheet in the SA No. 117 of 2021, it is apparent that the arguments in SA No. 117 of 2021 were heard by the Presiding Officer DRT Cuttack on 13.03.2023 and judgment was reserved. Since then, judgment is not delivered till date.

Section 17 sub Section (6) of the SARFAESI Act empowers the DRT to have administrative control over the DRTs under its jurisdiction. Such control confers the powers to regulate procedures being followed by the Learned DRTs. It is expected from the Learned DRTs to conclude the proceedings expeditiously and deliver the orders and judgment expeditiously after conclusion of the arguments. Order XX of the Code of Civil Procedure deals with the procedure to be followed by the Civil Courts. As far as judgments are concerned, although it can be presumed that no time limit is fixed for pronouncement of the judgment after conclusion of the arguments in the DRTs, but it is expected and advisable for the Presiding Officers of the DRTs to pronounce the judgment within a reasonable time after conclusion of the arguments. A reasonable time may be interpreted in affirmative that may be accepted by common man. Reasonable time may be a period of 15 days or maximum four weeks. But keeping a judgment pending for about eight months after conclusion of the arguments can in no manner be either appreciated or expected from the DRTs. Hon'ble Apex Court has also expressed its concern about the long pendency of the judgements after conclusion of the arguments. In such circumstances, it would be appropriate that the Learned DRT Cuttack should pronounce the judgment in SA No. 117 of 2021 within a period of four weeks from the date copy

of this order is placed before him. It is also expected that such time limit in future be observed by the Learned DRTs under jurisdiction of DRAT Kolkata. Let a copy of this order be also circulated amongst all the Presiding officers of DRTS for their future guidance and compliance. Accordingly, Diary No. 751 of 2023 is disposed of.

Copy of the order be supplied to the Appellant and the Respondent and the copy be also forwarded to the concerned DRT.

File be consigned to Record Room.

Order dictated, signed, dated and pronounced in open Court today.