

**IN THE DEBTS RECOVERY APPELLATE TRIBUNAL AT KOLKATA**

**Dy. No. 751 of 2023**

(Arising out of SA No. 117 of 2021 in DRT, Cuttack)

**THE HON'BLE MR. JUSTICE ANIL KUMAR SRIVASTAVA  
CHAIRPERSON**

22.11.2023

A.O. Union Bank of India  
... Appellants

-Vs-

Mr. Brajamohan Pattanaik & ors  
.....Respondents

Mr. Pankaj Kumar Mukherjee,  
Learned Counsel for the  
Appellant  
None for the Respondent

**THE APPELLATE TRIBUNAL :**

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.

(Anil Kumar Srivastava,J)  
Chairperson

Dated: 22<sup>nd</sup> November, 2023  
7/tp