

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 2946 of 2025

Petitioner :- Vimla Kashyap And 2 Others

Respondent :- Union Of India Thru. Secy. Ministry Of Financial Services
New Delhi And 3 Others

Counsel for Petitioner :- Alok Saxena,Paras Pradhan

Counsel for Respondent :- A.S.G.I.,C.S.C.

Hon'ble Pankaj Bhatia,J.

1. Heard Alok Saxena the counsel for the petitioner, Sri Ashwani Kumar Singh the counsel for the Union of India as well as Sri Abhishek Khare with Ms. Parul Sharma who appears for the respondent bank.

2. The present petition has been filed by the petitioner challenging the order dated 02.05.2025 passed by the DRT Lucknow whereby the application filed by the petitioner for grant of interim relief has been rejected.

3. The contention of the counsel for the petitioner is that although, he is aware of the fact that the orders passed by the DRT are appellable, as pointed out by the counsel for the respondents also, however, the manner of decision making, according to him, speaks very poorly of the manner in which the DRT is functioning.

4. He draws my attention to the impugned order wherein, pleas as were raised by the petitioner in support of their interim application, are mentioned, thereafter the reply has been mentioned, which is also factually incorrect at various places and thereafter, an abrupt order has been passed recording that the applicant would not make any case for restraining the respondents from taking physical possession of the secured assets, as such, the application is dismissed.

5. The submission of the counsel for the petitioner is that a reasoned order is heart and soul of any judicial order. In the present case, according to him, no reasons whatsoever have been mentioned while disposing of the application.

6. The counsel for the respondents, on the other hand, tries to justify the order, however, clearly states that the order is short of reasoned decision making, which is expected from a Tribunal.

7. A perusal of the order, reveals total non-application of mind

and prima-facie gives an impression that there is a lack of training of the Member Tribunal manning the office at DRT.

8. Finding the order dated 02.05.2025 to be short of any valid decision making process and without any application of mind, the order dated 02.05.2025 is quashed.

9. This court is noticing, similar orders passed by the DRT Lucknow in various matters, as such, let a copy of this order be sent to the Ministry of Finance, to consider imparting training to the officer concerned so that the functioning of the DRT for which it was established can go on smoothly.

10. In the present case, the matter is remanded to the DRT Lucknow to pass a fresh order in accordance with law after considering the case as pleaded by the petitioner and the defense that may be taken by the respondents with all expedition. The fresh order, as directed above, shall be passed preferably within a period of four weeks. For a period of four weeks, no coercive action shall be taken against the petitioner.

11. Senior Registrar of this Court is directed to send a copy of this order to the Ministry of Finance, Government of India, New Delhi for taking appropriate steps.

12. The counsel for the Union of India is also directed to forward a copy of this order to the Ministry of Finance, Government of India, New Delhi.

13. With the said observations, the writ petition stands **disposed off**.

Order Date :- 16.5.2025

VNP/-