

DEBTS RECOVERY APPELLATE TRIBUNAL, DELHI

Misc. Application No.46/2021

[Arising out of S.A. No.23/2020 (DRT-I, Chandigarh)]

Mr. Harinder Pal Singh, Advocatecomplainat/Applicant
Vs.
Ld. DRT-I, ChandigarhRespondent

Date : 10.09.2021

CORAM: Mr. Justice P.K. Bhasin, Chairperson

Appearance:

Mr. Harinder Pal Singh, applicant in person

Mr. Sanjeev Bhandari, Advocate for DRT Bar Association, Chandigarh

Mr. Rajinder Wali, DRT Bar Association, Delhi

Mr. K.P.S. Dhillon, DRT Bar Association, Chandigarh and counsel for Bank of Baroda

Mr. Vinod Verma, Secretary, DRT Bar Association, Chandigarh

Mr. Saurabh Bhardwaj, Treasurer, DRT Bar Association, Chandigarh

Mr. Rakesh Gupta, counsel for State Bank of India

Mr. R.S. Bhatia, counsel for Punjab National Bank and Canara Bank

Mr. Amit Rishi, counsel for J & K Bank

Mr. I.P. Singh, counsel for Punjab & Sind Bank

ORDER

The petitioner is a practicing advocate practicing in Debt Recovery Tribunals at Chandigarh under the jurisdiction of Debt Recovery Appellate Tribunal, Delhi. He has been making complaints against the Presiding Officers of DRTs and staff under them on various allegations. One such complaint dated 11.05.21 was made to the

President of India, Prime Minister of India, Minister of Finance etc. against the Presiding Officer of DRTs 1 and 2, who is Presiding Officer of DRT at Jaipur and is having additional charge of these two DRTs at Chandigarh, and one of staff members posted in DRT-I, Chandigarh. That complaint was forwarded by the Ministry of Finance for being looked into by the Chairperson of DRAT, Delhi

2. The complaint of Mr. Harinder Pal Singh was initially being looked into on the administrative side by me and was later on vide order dated 02.07.2021 ordered the complaint to be taken on judicial side.

3. I took up the matter on administrative side. During the pendency of the proceedings Chandigarh DRT Bar Association moved application dated 09.08.2021 to intervene as Bar Association felt aggrieved by order dated 2.8.21 which according to its interpretation restrained proxy counsels appearing in DRTs and for recall of that order. This Tribunal clarified that proxy counsels were not restrained from appearing in DRTs. In that application my special attention was drawn to certain averments made in the complaint which according to it clearly amounted to 'criminal contempt' and one of the prayers made was for making a reference under Contempt of Courts Act, 1971 to Hon'ble Punjab & Haryana High Court.

4. The complaint was made to highlight that Presiding Officer of DRT-I and DRT-2, Chandigarh was working with a biased mind towards the complainant but while doing so the complainant made certain contemptuous allegations against the Presiding Officer.

5. I deem it appropriate to re-produce verbatim the complaint dated 11.05.2021. It reads as under:-

“ Dear Sir

Today was date in matter titled as Hardev Building material vs SBI for arguments in DRT-1 Chandigarh. The borrowers in this case are managing the DRT matter in one or other way. Today the case was listed for final arguments however the court master didnt send the webex id to undersigned till afternoon

On asking he said that he has been told by Presiding officer to adjourn the matter and he has adjourned the matter to 12.07.2021. On asking as whether there is any written order for adjourning the stay/SA cases then he said Recovery officer SK Tiwary has told him to adjourn the matter and he will prepone the date if Mr Tiwary will say him

It is strange that the case involving crores of Public money are being adjourned by court master and Presiding officers for their vested interest.

The undersigned tried to contact Mr SK Tiwary on phone number provided by court master but he is not responding to the calls. Now the undersigned has requested Mr SK Tiwary also to prepone the case through whatsapp but he is not replying to whatsapp msg. Phone of Section officer Mr Sanjeev is also not approachable. Then msg was given to Mr Dipanshu, assistant of Section officer, who assured to convey the message to section officer as well as Recovery officer . As there was no revert after one hour then Mr Samier in DRT Jaipur was contacted on his phone 9414689669, but he also gave a vague reply that DRT Jaipur PO (WHO IS HAVING ADDITIONAL CHARGE OF DRT-1 Chandigarh) will revert only if the call comes from DRT court master. Despite telling that advocates are not allowed to visit DRT premises due to covid , he also gave a vague reply that He has given the msg to Presiding officer and may be he has some vested interest in case so thats why , he must have told him to give you this reply and accordingly , he also cant help

The corrupt practices of Presiding officer and his court master are shameful and disgraceful to their designation.

I request you to investigate the matter and take action against the Presiding officer and Court master for their corrupt practices

Infact all files taken up by this Presiding officer be checked. In some case he is granting stay on vague reasons and in similar cases with same facts, he is declining the same It shows that there is something fishy going in the cases being taken up by him”

6. After DRT Bar Association moved its intervention application on 09.08.21 for initiating contempt proceedings, the complainant was given an opportunity to respond, which was a kind of show cause notice to explain the allegations of corruption against the Presiding. The complainant filed his reply dated 22.08.21 by e-mail. In his reply he did not even deal with the allegations of corruption made by him against the Presiding Officer for which a prayer was made for making a reference for criminal contempt. He specifically stated that a written reply need not be filed.

7. Not only that the complainant even stopped appearing in the matter from 23.08.21 onwards and hearing on the Association's application concluded in the absence of complainant on 02.09.21 and matter was reserved for orders. That showed that he accepted that he had made a false complaint against Presiding Officer and one of his staff members.

8. The Bar Association was given liberty to submit written submissions and same were filed by Mr. Sanjiv Bhandari, advocate. After the matter was reserved for orders the complainant without the permission of the Tribunal sent by email written arguments. There also he did not touch the allegations of the Bar Association that this complaint was contemptuous nor did he try to defend those allegations made by him which were supported by his affidavit.

9. The highlighted lines in the complaint dated 11.05.21, which has already been reproduced, show that reckless allegations of corruption against the Presiding Officer of DRT 1 and 2 are per se contemptuous and scandalous, baseless and intended to tarnish the image of Presiding Officer particularly when the complainant has not even sought to justify the same. The allegations also amount to interference in administration of justice.

10. It is pertinent to note that this is not the first complaint against a Presiding Officer made by the complainant, but earlier also he has been making such type of complaints against other Presiding Officers also. However, later on he has been withdrawing the complaints on the ground that under some mistaken belief he filed those complaints and he will not repeat the mistake again. He has, however, not refrained from tarnishing the image of this Presiding Officer of DRT-I and DRT-II, Chandigarh. This complaint is an attempt to brow-beat the Presiding Officer and that also amounts to contempt of Court. In fact, the Presiding Officer against whom the present complaint has been made succumbed to such attack on his reputation by requesting this Tribunal to transfer the cases of Mr. Harinder Pal Singh to some other DRT. However, this request was declined by me and the Presiding Officer was directed to deal with the matters of such like complainants with an iron hand and not to yield to this brow-beating attacks.

11. In view of above, the Registrar of this Tribunal is directed to make a reference to the Hon'ble Punjab and Haryana High Court with a request for taking appropriate action under Contempt of Courts Act, 1971 against the complainant Mr. Harinder Pal Singh. The Registrar will

depute some staff member to go to Punjab and Haryana High Court for submitting the Reference.

10th September, 2021

(CHAIRPERSON)