

DEBTS RECOVERY APPELLATE TRIBUNAL, DELHI

Misc. Appeal No.203/2026

Arising out of SA No.372/2017 (DRT-III, Chandigarh)

Item No. 9

Punjab & Sind Bank

V.

M/s Gupta & Company and others

16.07.2026 Hon'ble Dr. Justice Sudhir Kumar Jain

Present: Sh. Rajinder Wali, Advocate for the appellant through VC

This matter is taken up through Hybrid hearing.

I.A. No.900/2026 (application for condonation of delay filed by the appellant)

1. The instant application filed for seeking condonation of delay in filing the present appeal. Sh. Rajinder Wali, Advocate for the appellant stated that the appellant came to know about the passing of the impugned order dated 30.04.2026 on 24.05.2026 when the order was uploaded. It is further stated that if the period of limitation is counted from the date of knowledge, then there is no delay in filing the present appeal. After considering all facts, the delay in filing the present appeal, if any, is condoned. The application is accordingly allowed.

2. The respondent no.1 filed S.A. bearing no.372/2017 titled as **M/s Gupta & Company & others V. Punjab & Sind Bank** which is stated to be pending before DRT-III, Chandigarh. The S.A. applicants filed I.A. bearing no.1728/2025 for seeking amendment in the S.A. with respect to the auctions conducted on 29.06.2017 and 27.11.2020 and the said application was allowed vide impugned order dated 30.04.2026. The relevant portion of the impugned order reads as under:-

Admittedly, auctions of the properties in question were held on 29.06.2017 and on 27.11.2020. It is also admitted fact that both the auctions were held during the pendency of the present SA.

It reveals from record that on 26.12.2024 in the presence of the learned proxy counsel for respondent no.1 it was stated by learned counsel for applicants that respondent No.1 may be directed to inform the details of auction as well as auction purchasers as the property/secured asset has already been sold out. It further reveals from record that on 16.01.2025, in the presence of learned counsel for respondent No.1, it was informed by the learned counsel for applicants that he has received the details of auction as well as auction purchasers as per order dated 26.12.2024 and he needs time to take steps of impleadment of auction purchasers in the SA. It further reveals from record that IA No.246/2025 was filed by applicants for impleading Auction Purchasers as respondent Nos. 2 & 3 in the SA vide diary no.2590 dated 19.02.2025 and the said IA was allowed vide order dated 25.06.2025 after hearing the counsel for parties. It further reveals from record that IA No.1629/2024 was allowed after hearing both the counsel on 17.10.2024. It further reveals from record that IA No.593/2018, which was filed by applicants under Order 6 Rule 17 of CPC for amendment of the SA vide diary no.15537 dated 26.09.2018 was dismissed as withdrawn with liberty to file fresh IA and its was directed that applicants may file application as per law before next date fixed. Thereafter, the instant IA was filed.

In the present case, IA No.246/2025 was already allowed for impleadment of Auction Purchasers on 19.02.2025, therefore without proposed amendments, just and proper adjudication is not possible.

Relief regarding challenge of sale is barred by limitation or not shall be adjudicated at the time of final disposal. Application is challenged only on the ground of delay.

Proposed amendments are necessary for just and proper adjudication of this SA.

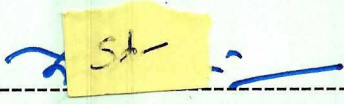
Therefore, IA No.1728/2025 is allowed.

Ld. Counsel for applicants is directed to file Amended SA before next date fixed after providing advance copy to learned counsel for respondents.

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3. Sh. Rajinder Wali, Advocate for the appellant argued that the proposed amendment to the S.A. to incorporate the facts regarding the auctions conducted on 29.06.2017 and 27.11.2020 have already attained finality in the absence of any challenge and had become time-barred. DRT-III, Chandigarh without assigning any reason has allowed the application bearing I.A. No.1728/2025.

4. The perusal of the impugned order reflects that DRT-III, Chandigarh while passing the impugned order dated 30.04.2026 has considered all the relevant facts and ordered that the question whether challenge to the sale is barred by limitation or not shall be adjudicated at the time trial of S.A. bearing no.372/2017. There is no illegality or infirmity in the impugned order dated 30.04.2026 which warrants any interference by this Tribunal. Appeal is accordingly dismissed. It is made clear that all the pleas and contentions as stated in the present appeal, including the plea of limitation, shall be available to the appellant during the trial of the S.A. before the DRT.



(Dr. Justice Sudhir Kumar Jain)
Chairperson

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