DEBTS RECOVERY TRIBUNAL-I, CHANDIGARH

MA No. 131 of 2024

Punjab and Sind Bank

Versus

Jujhar Singh Rissam

Dated: 18.04.2026

Item No. (Supplementary-11)

Argued by: Ms.Seema Gupta, Counsel for MA Applicant/Punjab and Sind Bank (on VC).

Mr. Faiz-UL-Arif Fahmi, Counsel for Mr.Jujhar Singh Rissam (on VC).

Punjab and Sind Bank has filed MA No. 131 of 2024 against Jujhar Singh Rissam, for issuance of Recovery Certificate on the basis of the final order dated 29.04.2023 passed by Presiding Officer, DRT-II, Delhi, in TA No. 588 of 2022.

2. I will come to the MA a little later. Some background facts be noticed first.

3. Earlier, Punjab and Sind Bank had filed OA No. 42 of 2016 in DRT-I, Delhi against Jujhar Singh Rissam and Indian Overseas Bank. Later, *vide* order dated 13.02.2023, passed by the Hon'ble DRAT, New Delhi, in MA No. 41 of 2023, the said OA was transferred from DRT-I, Delhi to DRT-II, Delhi for disposal.

4. The OA was numbered as TA No. 588 of 2022 in DRT-II, Delhi. In the OA, Punjab and Sind Bank alleged that one late Shri Harbhajan Singh Rissam, a Cardiologist, was maintaining saving account with its Vasant Vihar Branch, New Delhi since 27.02.1990. Apart from this, he was also having three FDRs for Rs. 66,39,321/-; Rs. 50,000/- and Rs. 19,00,000/-. Shri Harbhajan Singh Rissan died on 17.10.2013. On 25.09.2013, a handwritten request of even date was received from late Shri Harbhajan Singh Rissan requesting for premature payment of the FDRs and credit of the proceeds to his account and also for issuing of cheque book in the account. To collect the cheque book, one

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DEBTS RECOVERY TRIBUNAL-I, CHANDIGARH

Mr.Mukesh Rawat was authorized, whose signatures were attested on the said letter. On the basis of these instructions, Branch Manager en-cashed the FDRs and credited the sum of Rs. 1,02,27,560/- to the account of Shri Harbhajan Singh Rissam on the same day and also issued a fresh cheque book in the name of Harbhajan Singh Rissam. Subsequently, cheque No. 019481, dated 26.09.2013, for Rs. 1,10,68,000/- was presented on 04.10.2013 by Indian Overseas Bank, Gandhi Nagar, Railway Road Branch, Jammu. The cheque was cleared by Punjab and Sind Bank and the amount was credited to the account of Jujhar Singh Rissam (defendant No. 1), maintained with Indian Overseas Bank (defendant No. 2). Dr. Balbir Kaur Rissam (wife of late Shri Harbhajan Singh Rissam) informed the branch of Punjab and Sind Bank that in fact Harbhajan Singh Rissam was admitted at Fortis Hospital on 03.09.2013 and later shifted to Max Hospital, Saket, New Delhi on 05.09.2013, where he ultimately died on 17.10.2013. Dr. Balbir Kaur also intimated Punjab and Sind Bank that in fact Jujhar Singh Rissam (defendant No.1) is the real brother of late Harbhajan Singh Rissam, who has family dispute with her. She also filed criminal complaint on 27.10.2013, with EOW, New Delhi, on the basis of which FIR No. 526/2013 under Section 420 IPC was also registered. She also issued a legal notice dated 30.10.2013, claiming a sum of Rs. 1,10,68,000/- with interest @ 14% per annum. As per Punjab and Sind Bank, its competent authority decided to reimburse the amount to the legal heirs of late Harbhajan Singh Rissam. Accordingly, Punjab and Sind Bank issued a demand draft for Rs. 10,35,921/-, dated 30.12.2013, in favour of Max Healthcare Institute Limited towards hospital expenses of the deceased. Further, a sum of Rs. 4 lacs was credited to the account of Harbir Singh Rissam (son of the deceased) on 30.12.2013. Again, FDR for Rs. 96,32,079/- was prepared in the name of Harbir Singh Rissam (son of the deceased) with the stipulation that the same would be kept under the lien of the bank, for a period of one year, till the decision of the case by EOW against the bank or signatures on the cheque to

be declared as forged by EOW. It is stated that EOW obtained the report of handwriting expert on 01.02.2014, which intimated that the signatures of Harbhajan Singh Rissam on the cheque had been forged. Accordingly, lien on the FDR was vacated and proceeds of the FDRs were credited to the saving account of Harbir Singh Rissam (son of the deceased) on 19.06.2014, on furnishing of the indemnity by him. Further, the amount was withdrawn on 20.06.2014, as per consent letter dated 17.06.2014 of the other LRs of deceased. Punjab and Sind Bank in the OA alleged that since it had made the payment to defendant No. 1(Jujhar Singh Rissam) on the basis of forged cheque and the payment had been credited to the account of Jujhar Singh Rissam, he was liable to pay Rs. 1,65,86,240/- with interest @ 16.70% per annum. Alongwith Jujhar Singh Rissam, Punjab and Sind Bank also impleaded Indian Overseas Bank (defendant No.2) as party in the OA.

5. *Vide* judgment dated 29.04.2023, Presiding Officer, DRT-III, Delhi, who was holding the additional charge of DRT-II, Delhi, allowed the OA against Jujhar Singh Rissam (defendant No.1), for the recovery of Rs. 1,65,86,240/- alongwith pendente-lite and future interest @ 12% compounded monthly till realization and the Recovery Certificate was ordered to be issued. However, the Presiding Officer dismissed the OA against Indian Overseas Bank.

6. It is admitted on the record that an appeal against the said judgment is pending before Hon'ble DRAT, New Delhi.

7. After the Presiding Officer had sent the Recovery Certificate to the Recovery Officer, the latter, *vide* order dated 03.01.2024, *inter alia*, ordered that the Branch Manager of Citizen Co-operative Bank Limited, at Moti Bazar, Jammu would not transfer/alienate/release the property documents in respect of property bearing House No. 49 (known as 49/2), Sector 2, Nanak Nagar, Jammu without the permission of Recovery Officer and the Recovery Officer

fixed up the date for 11.01.2024, on which date Recovery Officer issued a attachment notice in respect of House No.49/2, Nanak Nagar, Jammu, being the second charge on the mortgaged property with Citizen Co-operative Bank Limited, Jammu. Further, the Branch Manager of Citizen Co-operative Bank, Jammu was directed to file balance outstanding certificate of the loan account where House No. 49/2 was mortgaged. Later, Punjab and Sind Bank filed MA No. 108 of 2024 before DRT-II, Delhi with the request that the Recovery Certificate bearing No. 02/2023 be transferred to this Tribunal i.e. DRT-I, Chandigarh as DRT-I, Chandigarh has the jurisdiction over the property of the judgment debtor. *Vide* order dated 09.07.2024, Presiding Officer, DRT-II, Delhi transferred the Recovery Certificate to the Recovery Officer of this Tribunal i.e. DRT-I, Chandigarh. However, Citizen Co-operative Bank Limited (which had first charge over House No. 49/2, Nanak Nagar, Jammu), challenged the order dated 11.01.2024 passed by Recovery Officer-I, DRT-II, Delhi, attaching the house and the order dated 03.01.2024 passed by the Recovery Officer-I, DRT-II, Delhi, directing the Citizen Co-operative Bank Limited not to transfer/alienate/transfer the property documents in respect of House No. 49/2, Sector 2, Nanak Nagar, Jammu without the permission of Recovery Officer on the ground that the orders were without jurisdiction, before Hon'ble Jammu and Kashmir and Laddakh, at Jammu, by filing WP(C) No. 138 of 2024. *Vide* order dated 11.10.2024, passed in WP(C) No. 138/2024, the Hon'ble High Court held that the transfer of the proceedings by the DRT, Delhi to DRT, Chandigarh is bad and thus set aside the order dated 03.01.2024 and 11.01.2024 passed by the Recovery Officer-I, DRT-II, Delhi. However, the Hon'ble High Court held that the Punjab and Sind Bank is allowed to file appropriate proceedings before the Debts Recovery Tribunal, Chandigarh, which shall proceed in accordance with the provisions of law.

8. It appears that on the basis of this order, Punjab and Sind Bank filed the present MA No. 131 of 2024 for issuing the Recovery Certificate on the basis

DEBTS RECOVERY TRIBUNAL-I, CHANDIGARH

of judgment, dated 29.04.2023 passed by DRT-II, Delhi, in TA No. 588 of 2022.

9. This also deserves to be mentioned that Jujhar Singh Rissam has also filed IA No. 353 of 2025 and alleged that present MA No. 131 of 2024 is not maintainable as two Recovery Certificates cannot be issued in one case and further an appeal against the order dated 29.04.2023 is pending before the Hon'ble DRAT, New Delhi.

10. I have heard Ms.Seema Gupta, counsel for Punjab and Sind Bank and Mr. Arif Fahmi, counsel for Jujhar Singh Rissam.

11. Ms. Seema Gupta, counsel for Punjab and Sind Bank has submitted that since the Hon'ble J&K High Court, *vide* order dated 11.10.2024 passed in WP(C) No. 138 of 2024, has ordered that Punjab and Sind Bank may file appropriate proceedings before DRT, Chandigarh, the Punjab and Sind Bank has filed the present MA No. 131 of 2024.

15. On the other hand, Mr.Fahmi, counsel for Jujhar Singh Rissam has submitted that the present MA is not maintainable and the same be dismissed.

13. I have considered the rival contentions.

14. The question which arises for consideration is, 'Whether MA No. 131 of 2024 for issuing a Recovery Certificate on the basis of the judgment dated 29.04.2023 passed by the Presiding Officer, DRT-II, Delhi is maintainable ?

15. Counsel for Punjab and Sind Bank could not show me any provision of law under which such an application can be filed. In fact, she stated that she has moved this application on the basis of the order dated 11.10.2024 passed by the Hon'ble J&K High Court in WP(C) No. 138 of 2024. However, I am of the considered view that there is no force in the contention of counsel for the Bank. The issues which were before the Hon'ble High Court were whether the

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DEBTS RECOVERY TRIBUNAL-I, CHANDIGARH

Recovery Officer of DRT-II, Delhi was competent to attach the immovable property at Jammu and issue any directions and whether the Recovery Officer, DRT-II, Delhi was competent to transfer Recovery Certificate to this Tribunal i.e. DRT-I, Chandigarh.

16. The Hon'ble High Court *vide* judgment dated 11.10.2024, passed in WP(C) No. 138 of 2024 held that the Recovery Officer was not competent to attach the property situated at Jammu and further he was also not competent to transfer the Recovery Certificate. This deserves to be mentioned that the Hon'ble High Court passed this order on the basis of the statement made by counsel for the Bank before it that the Recovery Officer could neither attach the property outside his jurisdiction nor transfer the Recovery Certificate.

16-A In these circumstances, the question which arises for consideration is, 'What procedure should have been followed by the Punjab and Sind Bank or by the DRT-II, Delhi to execute the Recovery Certificate No. 02 of 2023 passed in TA No. 588 of 2022.

17. I am of the considered view that in the above fact situation, the Punjab and Sind Bank should have moved an application to the DRT-II, Delhi for sending a copy of the Recovery Certificate to DRT-I, Chandigarh under whose jurisdiction the property of judgment debtor is situated.

18. Section 19(23) of The Recovery of Debts and Bankruptcy Act, 1993 is as under:-

> *Where the Tribunal, which has issued a certificate of recovery, is satisfied that the property is situated within the local limits of the jurisdiction of two or more Tribunals, it may send the copies of the certificate of recovery for execution to such other Tribunals where the property is situated:*
>
> *Provided that in a case where the Tribunal to which the certificate of recovery is sent for execution finds that it has no jurisdiction to comply with the certificate of recovery, it shall return the same to the Tribunal which has issued it.*

DEBTS RECOVERY TRIBUNAL-I, CHANDIGARH

19. It is abundantly clear from the above that where DRT issues a Recovery Certificate, is of the view that the judgment debtor is owner of the property which is situated within the jurisdiction of another DRT, it may send a copy of the Recovery Certificate to that Tribunal for execution. It is also clear from the above that the Tribunal which has issued the Recovery Certificate may also execute the same. Unfortunately, the counsel for Punjab and Sind Bank did not bring this fact to the notice of the Hon'ble J&K High Court. There is no denying the fact that the DRT which has issued a Recovery Certificate cannot transfer it to other the DRT for execution, yet, under the law it can execute it or may send a copy of the same to DRT under whose discretion the property of the judgment debtor is situated.

20. I am of the considered view that there was no need for Punjab and Sind Bank to file MA No. 108 of 2024 for transfer of Recovery Certificate in this case from DRT-II, Delhi to DRT-I, Chandigarh. In fact, Punjab and Sind Bank should have filed an application before DRT-II, Delhi to send a copy of the Recovery Certificate No. 02 of 2023, passed in TA No. 588 of 2022, to DRT-I, Chandigarh, for its execution.

21. I am of the considered view that MA No. 131 of 2024 for issuing a fresh Recovery Certificate, on the basis of judgment dated 29.04.2023, passed in TA No. 588 of 2022 is not maintainable. It is also admitted on the record that an appeal against the judgment dated 29.04.2023 is pending before the Hon'ble DRAT, New Delhi. In the appeal filed before the Hon'ble DRAT, New Delhi, the judgment dated 29.04.2023 passed in TA No. 588 of 2022 may be varied or set aside. That apart, the law does not envisage issuance of two Recovery Certificates. In these circumstances, I hereby **dismiss** MA No. 131 of 2024 filed by Punjab and Sind Bank and allow IA No. 353 of 2025 filed by Jujhar Singh Rissam. However, it is made clear that this order will not debar Punjab and Sind Bank from filing an appropriate application before Presiding

DEBTS RECOVERY TRIBUNAL-I, CHANDIGARH

Officer, DRT-II, Delhi, for sending a copy of the Recovery Certificate No. 02 of 2023, passed in TA No. 588of 2022 to this Tribunal for execution.

22. All the pending IAs, if any, are also disposed of, accordingly.

Registrar is directed to send a copy of this order to all the parties, as per rule. Thereafter, file be consigned to record room after due compliance.

(A S Narang)
Presiding Officer
DRT-I, Chandigarh

Pronounced in open court
Dated: 18.04.2026
Manoj

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