

IN THE DEBTS RECOVERY TRIBUNAL, DEHRADUN

(2nd Floor, Paras Tower, Saharanpur Road, Mazra, Dehradun, Uttarakhand-248171)
(Jurisdiction- Uttarakhand & Part of Western Uttar Pradesh)

Appeal No. 03 of 2025

Ankur Suyal Vs. Punjab National Bank & Ors.

DATED THIS THE 22nd DAY OF JUNE, 2026
HON'BLE PRESIDING OFFICER: UMESH KUMAR SHARMA

Appeal No.03 of 2025

Between:

Ankur Suyal S/o Sh. Mohan Chandra Suyal, R/o Gangarampur
Mota Haldu, Nainital, Uttarakhand- 263139 bearing PAN Card
No. AWIPA3400G

.....Applicant.

Versus

1. Punjab National Bank through its General Manager having its Zonal Office at Second Floor, Radha Palace 78, Rajpur Road, Dehradun- 248001, Uttarakhand.
2. M/s Dhanveer Food Products, having registered address at Village Bhanga, Sitarganj Road, Tehsil Kichha, District Udham Singh Nagar, Uttarakhand- 263139 through its partners.

Second Address: M/s Dhanveer Food Products, R/o Manpur West Daharia, near Camaradey School, Haldwani, District Nainital, Uttarakhand- 263139 through its partners.

Third Address: M/s Dhanveer Food Products Registered Office at Daharia, Mukhani, Haldwani, District Nainital, Uttarakhand- 263139 through its partners.

3. Mukhtiyar Singh S/o Sh. Angrej Singh, R/o Daharia near Camaradey School, Haldwani, District Nainital, Uttarakhand- 263139.
4. Baljinder Singh S/o Sh. Angrej Singh, R/o Daharia near Camaradey School, Haldwani, District Nainital, Uttarakhand- 263139.

IN THE DEBTS RECOVERY TRIBUNAL, DEHRADUN

(2nd Floor, Paras Tower, Saharanpur Road, Mazra, Dehradun, Uttarakhand-248171)
(Jurisdiction- Uttarakhand & Part of Western Uttar Pradesh)

Appeal No. 03 of 2025

Ankur Suyal Vs. Punjab National Bank & Ors.

5. Gurvinder Singh S/o Sh. Kashmir Singh, R/o Daharia near Camaradey School, Haldwani, District Nainital, Uttarakhand-263139.
6. Gurmeet Singh S/o Sh. Harjinder Singh, R/o Village Udeylalpur, near bread factory, Haldwani, District Nainital, Uttarakhand-263139.
7. Angrej Singh S/o Sh. Gurdayal Singh, Sh. Angrej Singh, R/o Daharia, Mukhani, near Ranvir Garden, Haldwani, District Nainital, Uttarakhand- 263139.
8. Smt. Balwinder Kaur W/o Sh. Kashmir Singh, R/o Village Mukhani, Daharia near Camaradey School, Haldwani, District Nainital, Uttarakhand- 263139.

Second Address: Smt. Balwinder Kaur W/o Sh. Kashmir Singh, R/o Gram Udeylalpur, Tehsil Haldwani, District Nainital, Uttarakhand- 263139.

9. Smt. Jagjit Pal Kaur W/o Sh. Amarjeet Singh, R/o Village Mukhani, Dahariya, near Camaradey School, Haldwani, District Nainital, Uttarakhand- 263139.

Second Address: Smt. Jagjit Pal Kaur D/o Sh. Jagir Singh, R/o Gram Lamachaur Khas, Tehsil Haldwani, District Nainital, Uttarakhand- 263139.

.....**Respondents**

Present: Sh. Nishant Chaturvedi, Ld. Counsel for the Appellant

Sh. Ashish Patel, Ld. Nodal officer of Respondent Bank.

IN THE DEBTS RECOVERY TRIBUNAL, DEHRADUN

(2nd Floor, Paras Tower, Saharanpur Road, Mazra, Dehradun, Uttarakhand-248171)
(Jurisdiction- Uttarakhand & Part of Western Uttar Pradesh)

Appeal No. 03 of 2025

Ankur Suyal Vs. Punjab National Bank & Ors.

J U D G M E N T

(Date of Decision: 22.06.2026)

Called out, Ld., Counsel for the appellant and Ld. Nodal officer of the Respondent Bank present. None present for debt holder. The Tribunal has already passed an order on last date that no further adjournment shall be considered on either side on the date fix even though no any adjournment has been submitted today by any party and the respondent bank certificate holder has submitted an affidavit of Ld. Zonal Manager by diary No.3935 dated 22.06.2026 through Ld. Counsel Sh. Varesh Mittal with superficial version.

The appellant auction purchaser has preferred this appeal against the order passed by Ld. Recovery Officer-I, DRT Dehradun dated 18.06.2025 by which auctioned sale has been cancelled and the property in question has been redeemed in favour of certificate debtor no.8 on the basis of deposition of auction amount against Rule 60 of Scheduled II, Income Tax Act, 1961. in RC No.204 of 2019 Punjab National Bank Vs Dhanveer Food Products and Ors. on the basis of successful bidder for an amount of Rs.3.69crores. The auction money has already been deposited by him on 12.06.2025 within time as per requirement of law but by cancelling auction sale in absence of auction purchaser. Even though it is mentioned in the order dated 18.06.2025 that Mr. Ankur Suyal, who was declared L1 bidder for aforesaid property vide order dated 28.05.2025 has deposited entire bid amount along-with poundage fees within statutory time period as per terms and condition of sale.

Even though appeal should have been preferred by the Certificate holder, Punjab National Bank in the light of

IN THE DEBTS RECOVERY TRIBUNAL, DEHRADUN

(2nd Floor, Paras Tower, Saharanpur Road, Mazra, Dehradun, Uttarakhand-248171)
(Jurisdiction- Uttarakhand & Part of Western Uttar Pradesh)

Appeal No. 03 of 2025

Ankur Suyal Vs. Punjab National Bank & Ors.

circumstances that the amount for recovery was of more than sixteen crores excluding interest etc. and the order in favour of debt holders has been passed by the Ld. Recovery Officer Concerned only on the basis of deposition of auction money by debt holders as per auction purchaser for causing loss to auction purchaser. But the Bank has not come forward to prefer appeal against the order passed by Ld. Recovery Officer-I DRT, Dehradun, reasons best known to the concerned authorities of Certificate holder bank and auction purchaser has filed this appeal under compulsion for protection of his rights on the ground that there is violation of Rule 60(1) of second schedule Income Tax Act 1961. It is clear from the Recovery certificate that the recovery certificate was issued for an amount of Rs.16,86,65,846.68ps along-with pendent-lite and future interest @ 10.40% per annum for simple from the date of filing the original application 15.11.2018 till date of realization and cost.

As per order dated 30.07.2025 it was admitted by the respondent no.1/certificate holder Bank that the amount of proclamation is of amount for which recovery certificate was issued. As per order dated 30.07.2025 the respondent no.1/certificate holder has mentioned in the objection "why the applicant is still interested in the property after releasing the title deeds in favour of the Debt holder". The said statement speak the truth itself, there is no need to say any word about action and conduct of the respondent bank/certificate holder authorities.

The order passed in this appeal in presence of Certificate holder dated 07.07.2025 & 30.07.2025 in detail. The Hon'ble High Court has made observation in writ petition WPMB No. 647 of 2025 filed by the certificate debtors in order at the time

IN THE DEBTS RECOVERY TRIBUNAL, DEHRADUN

(2nd Floor, Paras Tower, Saharanpur Road, Mazra, Dehradun, Uttarakhand-248171)
(Jurisdiction- Uttarakhand & Part of Western Uttar Pradesh)

Appeal No. 03 of 2025

Ankur Suyal Vs. Punjab National Bank & Ors.

of granting interim relief dated 18.08.2025 "***Having perused the order, we are of the prima facie, opinion that the DRT has acted in contravention of Rule 60 of the second schedule of the Income Tax Act, as applicable to proceedings of the DRT Vide section 29(a). the applicability of section 60 of the T.P. Act also requires to be gone into***"

The order was passed by Ld. Recovery officer concerned in recovery certificate proceedings which is under challenge in this appeal.

Ld. Recovery officer has specifically mentioned Rule 60(1) in order dated 18.06.2025

Application to set aside sale of immovable property on deposit

60(1) *where immovable property has been sold in execution of a certificate the defaulter, or any person whose interests are affected by the sale, may, at any time within thirty days from the date of the sale, apply to the Tax Recovery officer to set aside the sale, on his depositing*

- (a) *The amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, with interest thereon at the rate of one and one fourth percent for every month or part of a month, calculated from the date of the proclamation of sale to the date when the deposit is made; and*
- (b) *For payment to the purchaser, as penalty, a sum equal to five per cent of purchase money, but not less than one rupee.*

IN THE DEBTS RECOVERY TRIBUNAL, DEHRADUN

(2nd Floor, Paras Tower, Saharanpur Road, Mazra, Dehradun, Uttarakhand-248171)
(Jurisdiction- Uttarakhand & Part of Western Uttar Pradesh)

Appeal No. 03 of 2025

Ankur Suyal Vs. Punjab National Bank & Ors.

The property in question has been released with title deeds in favour of Debt holder by the certificate holder on the basis of deposition of auction money for which order was passed by Ld. Recovery Officer concerned. In case of any illegality or material irregularity in the order of Ld. Recovery Officer, the certificate holder was legally entitled to prefer an appeal against the said order and not bound to comply any order in case of any illegality or material irregularity but the certificate holder has not preferred any appeal against the order in question and comply easily.

There is no need to say any word in relation to the action and conduct of the certificate holder authorities, which is itself clear like mirror.

It is pertinent to mention here that the certificate holders has also filed writ petition against the order passed in this appeal.

Law may be harsh but everyone is duty bound to follow the law.

In Civil Appeal no.2545 of 2023 Authorized Officer, State Bank of India Vs C. Natrajan & Anr. decided on 10.04.2023, the Hon'ble Apex court has held that "Law is well settled that a result flowing from a statutory provision is never an evil and that court has no power to ignore that provision to relieve what it considers a distress resulting from its operation. The statute must, of course, be given effect to whether a court likes the result or not.

Now a days a practice is adopting by dishonest litigants to create a situation for the other party to the litigation by using judicial institution as tool, the other party has come on the

IN THE DEBTS RECOVERY TRIBUNAL, DEHRADUN

(2nd Floor, Paras Tower, Saharanpur Road, Mazra, Dehradun, Uttarakhand-248171)
(Jurisdiction- Uttarakhand & Part of Western Uttar Pradesh)

Appeal No. 03 of 2025

Ankur Suyal Vs. Punjab National Bank & Ors.

knee after feeling difficulty in litigation. In the said situation, the other party shall leave the litigation or come on compromise as per circumstances of litigation and the dishonest litigant shall be beneficial. If the said practice of dishonest litigants shall ignore on judicial side a dangerous situation shall come into existence and trust of the judicial and semi-judicial institutions shall extinguish.

After considering whole of the situation, in the light of orders already passed by this Tribunal on 07.07.2025 and 30.07.2025 by considering the observation of Hon'ble Court and the provisions of Rule 60 Second Schedule of the Income Tax Act, 1961 in the opinion of the Tribunal this appeal is liable to be allowed, no any other option is available as per provision of Rule 60 Scheduled II of the Income Tax Act, 1961, by setting aside the order passed by Ld. Recovery Officer-I, DRT, Dehradun dated 18.06.2025 and subsequent actions taken in this matter on the part of Certificate holder and Ld. Recovery Officer concerned on the basis of order dated 18.06.2025.

Hence, the Appeal is allowed and confirm the auction sale in question. The Ld. Recovery Officer-I, DRT, Dehradun is directed to take action in relation to auction sale dated 28.05.2025 as per requirement of law without any delay by issuing sale certificate in favour of appellant/auction purchaser.

The Certificate holder has already stated on 07.07.2025 at the time of hearing appeal as mentioned in the said order that the title deeds have already been released in favour of Certificate Debtor No.8, Smt. Jagjit Pal Kaur W/o Sh. Amarjeet Singh (respondent No.9 in appeal). The certificate holder is duty bound to receive back and provide to appellant/auction purchaser. The certificate holder and Ld. Recovery officer

IN THE DEBTS RECOVERY TRIBUNAL, DEHRADUN

(2nd Floor, Paras Tower, Saharanpur Road, Mazra, Dehradun, Uttarakhand-248171)
(Jurisdiction- Uttarakhand & Part of Western Uttar Pradesh)

Appeal No. 03 of 2025

Ankur Suyal Vs. Punjab National Bank & Ors.

concerned shall also take action for the same in accordance with law.

All Interim Applications are also disposed off in the light of above.

The record of recovery certificate proceeding be sent back to concerned Ld. Recovery Officer-I with copy of this judgment for compliance and further action in accordance with law.

Record be consigned after providing judgment to the parties as per rules.


(Umesh Kumar Sharma)
Presiding Officer
DRT, Dehradun

22.06.2026