

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI

AND

HON'BLE SRI JUSTICE RAKESH THAPLIYAL

**WRIT PETITION (M/B) NO. 234 OF 2023**

**29<sup>TH</sup> SEPTEMBER, 2023**

M/s Kataria Industries

.....Petitioner.

Versus

Debts Recovery Tribunal, Dehradun & others ....Respondents.

Counsel for the Petitioner : Ms. Gurbani Singh, learned  
counsel.

**The Court made the following:**

**JUDGMENT:**(per Hon'ble The Chief Justice Sri Vipin Sanghi)

The petitioner has preferred the present writ petition to assail the order dated 10.08.2022, passed by the learned Presiding Officer, Debts Recovery Tribunal, Dehradun, whereby the Securitization Application of the petitioner, being SA No.51 of 2019, has been dismissed.

2. A perusal of the impugned order shows that the said Securitization Application has been dismissed by the Tribunal only on account of the fact that the said application had been preferred through Special Attorney, and despite orders from the Tribunal, the Principal/ applicant had failed to appear before the Tribunal. The Tribunal has not gone into the merits of the said application.

3. Learned counsel for the petitioner states that the petitioner shall appear before the Tribunal, if given an opportunity even at this stage.

4. We dispose of this petition by giving liberty to the petitioner to move an application before the Tribunal to seek recall of the order dated 10.08.2022, on the premise that the petitioner/ applicant shall appear before it on the date fixed. If such an application is moved, the Tribunal may consider the same, and pass appropriate orders.

5. Since we have only permitted the petitioner to move an application before the Tribunal, as aforesaid, we are of the view that no prejudice would be caused to the respondents, and therefore, we are not inclined to direct issuance of notices to respondent nos.2 and 3. However, it shall be the responsibility of the petitioner to communicate this order to respondent nos.2 and 3 within two weeks against acknowledgment.

6. The writ petition is disposed of in the aforesaid terms.

7. Pending application, if any, also stands disposed of.

**(VIPIN SANGHI, C.J.)**

**(RAKESH THAPLIYAL, J.)**

Dated: 29<sup>th</sup> September, 2023

NISHANT