IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

July 16, 2026

Writ Petition (M/B) No.565 of 2026

Canara Bank ----Petitioner

Versus

M/s Uttaranchal Auto Vehicles Pvt. Ltd.
& Others ----Respondents

Presence:-

Mr. Ashish Joshi and Mr. Shobhit Joshi, learned counsel for the petitioner

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JUDGMENT : (per Mr. Manoj Kumar Gupta, C. J.)

1. The present writ petition has been filed praying for setting aside of the order dated 02.02.2026 passed by Registrar, Debt Recovery Tribunal, Dehradun in Appeal Diary No.76/2026 as well as the order dated 04.02.2026 passed by the Presiding Officer, Debt Recovery Tribunal, Dehradun in Appeal No.02 of 2026 and for a mandamus directing the Recovery Officer, Debt Recovery Tribunal to decide R.C. No.358/2019 as expeditiously as possible.

2. It appears that an Original Application was filed by the petitioner bank under Section 19(1) of the Recovery of Debts Due to Banks & Financial Institutions Act, 1993 against

the respondents. It was allowed by the DRT by order dated 29.07.2019. It further appears that thereafter the petitioner bank initiated recovery proceedings before the Recovery Officer, DRT for recovery of the amount decreed in favour of the Bank by DRT. The respondents got aggrieved by an order dated 19.01.2020 passed by the Recovery Officer and they preferred an appeal against the same before the DRT under Section 30 of the Act. In appeal, the office raised an objection that there was deficiency in court fees. Subsequently, the court fees was made good and whereupon Registrar, DRT, Dehradun passed the impugned order dated 02.02.2026 recording that deficiency has been made good, therefore the appeal be registered and the matter be placed before the Presiding Officer, DRT. The order dated 02.02.2026 is as follows:-

> "*The present Appeal filed on 28.01.2026 vide Diary No.76/2026 by Sh. Vikrant Gambhi, Advocate for Applicant (Arising out of T.A. No.444 of 2018).*
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> *It has been scrutinized and found that the court fees short by Rs. 29,750/-. However, Ld. Counsel for the Applicant submits that in this regard to the court fees the applicants have challenged the daily order dated 19.01.2026 where by the Ld. Recovery officer has dismissed the Recall Application & objection. Thus the requisite court fees has been paid and in case of any deficiency of court fees the applicant will pay as per the direction passed and requested to put up before Hon'ble Presiding Officer. It is registered as Appeal No.02 of 2026.*
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> ***IA No.97 of 2026***

Ld. Counsel for the Applicant has further filed urgency Application praying to list the case for early hearing This I.A. is numbered as I.A. No.97 of 2026.

Let it be placed on 04.02.2026 before Hon'ble P.O. as a fresh matter."

3. It further appears that thereafter the Bank filed its written objections on 04.02.2026 and one of the pleas raised by it in the objections is that the appeal was filed without making the mandatory deposit of 50% of the debts due. On 09.03.2026, the matter got adjourned on the request of respondents. However, while granting the adjournment, the Presiding Officer, DRT directed that the record of the recovery proceedings be returned to the Recovery Officer. The reason for issuing such direction was to ensure that the recovery proceedings are not held up on account of filing of the appeal by the respondents. Thereafter the matter has got adjourned for one reason or the other and the last order filed along with the present petition is dated 07.05.2026, whereby the next date fixed was 06.07.2026. Learned counsel for the petitioner states that now the matter has been adjourned to a date in the month of September, 2026.

4. The submission of learned counsel for the petitioner is that the requirement of depositing 50% of the amount of debt due as determined by the Tribunal is a mandatory

condition, and without depositing the said amount, the appeal would not be maintainable. He submits that the Registrar, DRT, Dehradun, therefore, wrongly directed the appeal to be registered. He further submits that there is deficiency in court fees.

5. The petitioner has already filed written objections before the DRT taking the said objection. Admittedly, the said objection has not been examined by the DRT so far. Moreover, there is no stay of recovery proceedings, which may cause any prejudice to the petitioner.

6. In such circumstances, we find no good ground to set aside the order passed by the Registrar, DRT for registering the appeal.

7. The order dated 04.02.2026, which is also under challenge, is as follows:-

> *"Called out, Ld. Counsel for Applicant and Ld. Counsel for Bank present.*
> *Summon the original record of Recovery Certificate.*
> *Put up on 09.03.2026 for hearing on admission."*

8. The only grievance in relation to the said order is that, as a result of original record of recovery proceedings being summoned, the recovery proceedings have got stalled. However, as already noted above, by subsequent order dated

09.03.2026, the record was directed to be returned to the Recovery Officer. In such circumstances, the grievance raised by the petitioner that on account of record of recovery proceedings being summoned, the recovery has got held up, is also not sustainable in law.

9. As the petitioner has raised a specific objection regarding non-compliance of the provisions of Section 30A of Recovery of Debts and Bankruptcy Act, 1993 and therefore, we dispose of the instant petition with direction to the DRT to decide the said issue expeditiously and preferably on the next date, and until the same is decided, it shall not proceed to pass any orders on merits.

10. The petition stands disposed of accordingly.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 16.07.2026

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