HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

MATTERS UNDER ARTICLE 227 No. - 7466 of 2025

Dinesh Kumar Jindal

.....Petitioner(s)

Versus

Debt Recovery Tribunal Lko. Thru. Its Registrar And Another

.....Respondent(s)

Counsel for Petitioner(s) : Noel Victor
Counsel for Respondent(s) :

A.F.R.

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Suryansh Kumar Arora Advocate, the learned counsel for the petitioner.

2. By means of the instant petition filed under Article 227 of the Constitution of India, the petitioner has challenged a notice dated 11.11.2025 issued by the Registrar, Debts Recovery Tribunal, Lucknow (which will hereinafter be referred to as 'the DRT') in Securitisation Application No. 1144 of 2025. The notice reads as follows: -

> *"Whereas, in the above said case, the applicant has filed an application under Section 17 SARFAESI Act, 2002, Copy of the S.A. is enclosed herewith.*
>
> *Take notice that you are hereby required to appear before the learned Registrar of the Tribunal, on 17th Day of November, 2025 at 10:30 A.M. in the forenoon in person or by a pleader/ advocate to show-cause why the said S.A. should not be allowed. Failing which the said*

S.A. will be heard and determined ex parte.

Given under my hand and the seal of this Tribunal on 11th Day of November, 2025."

3. The learned Counsel for the petitioner has submitted that the Registrar, DRT has no power to order appearance of the opposite parties before him to show cause why the S.A. should not be allowed. He has submitted that the admission, hearing and disposal of S.As. falls within the jurisdiction of the DRT, and this function should be exercised by the Presiding Officer of the Debts Recovery Tribunal, not by its Registrar. Fixing of a date before the Registrar to show cause as to why the S.A. should not be admitted, would cause an undue delay in placing the matter before the Presiding Officer of the DRT, which in turn would cause an undue delay in hearing and disposal of the interim relief application of the petitioner and this delay would cause a serious prejudice to the petitioner.

4. The petitioner has filed S.A. No. 1144 of 2025 before the DRT. On 11.11.2025, the Registrar DRT issued the impugned notice to the opposite parties directing them to appear on 17.11.2025. On 17.11.2025 the Registrar listed the matter for 01.12.2025 before the Presiding Officer of the DRT.

5. The present petition was presented before the Registrar Listing of this Court on 18.12.2025, i.e., after the S.A. had already been listed before the Presiding Officer of the DRT and the grievance of the petitioner that the matter ought to have been listed before the Presiding Officer of the DRT and not before the Registrar, had already been redressed on 01.12.2025.

6. Considering the aforesaid facts and circumstances of the case, the Court suggested that as the grievance of the petitioner is merely regarding a delay caused in listing of the S.A. before the Presiding Officer of the DRT whereas the S.A. has already been listed before the Presiding Officer of the DRT and there is no pleading that any legal injury has been caused to the petitioner because of this delay, the petitioner should contest

the matter before the DRT and the question of jurisdiction of the Registrar has become merely academic, the learned Counsel for the petitioner insisted that the Registrar has no jurisdiction to issue the notice and an action taken without jurisdiction can very well be challenged before this Court even when it causes no prejudice to the petitioner.

7. The Court requested the learned Counsel for the petitioner to raise even this plea before the Presiding Officer of the DRT and to spare the time of this Court for being utilized for deciding the matters of those litigants who have no alternative remedy, but the learned Counsel for the petitioner submitted that he can approach the DRT only against an action of the bank under SARFAESI Act and he cannot raise the grievance regarding a notice issued by the Registrar before the Presiding Officer of the DRT.

8. The learned Counsel for the petitioner has submitted that since he is raising a question of jurisdiction, this Court should adjudicate upon the same. Therefore, the Court proceeds to examine whether the Registrar has no jurisdiction to issue a notice on a securitisation application filed before the DRT.

9. For deciding the aforesaid issue, it would be appropriate to have a look at the relevant provisions of the Debt Recovery Tribunal (Procedure) Rules, 1993, which are being reproduced below: -

> *"**4. Procedure for filing applications***
>
> *(1) **An application shall be presented in Form annexed to these rules by the applicant in person or by his agent or by a duly authorised legal practitioner to the Registrar** of the Bench within whose jurisdiction his case falls or shall be sent by registered post addressed to the Registrar.*
>
> *(2) An application sent by post under sub-rule (1) shall be deemed to have been presented to the Registrar the day on which it was received in the office of the*

Registrar.

(3) The application under sub-rule (1) shall be presented in two sets in a paper book along with an empty file size envelope bearing full address of the defendants and where the number of defendant is more than one, then sufficient number of extra paper-books together with empty file size envelopes bearing full address of each of the respondents shall be furnished by the applicant.

5. Presentation and scrutiny of applications

(1) The Registrar, or, as the case may be, the officer authorised by him under rule 4, shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign endorsement.

(2) If on scrutiny, the application is found to be in order, it shall be duly registered and given a serial number.

(3) If the application, on scrutiny, is found to be defective and the defect noticed is formal in nature, the Registrar may allow the party to rectify the same in his presence and if the said defect is not formal in nature, the Registrar, may allow the applicant such time to rectify the defect as he may deem fit.

(4) If the concerned applicant fails to rectify the defect within the time allowed in sub rule(3), the Registrar may by order and for reasons to be recorded in writing, decline to register the application.

(5) An appeal against the order of the Registrar under sub-rule (4) shall be made within 15 days of the making of such order to the Presiding Officer concerned in chamber whose decision thereon shall be final.

12. Filing of reply and other documents by the respondent

(1) ***The defendant may file two complete sets containing the reply to the application along with documents in a paper book form with the registry*** *within one month of the service of the notice of the filing of the application on him.*

* * *

13. ***Date and place of hearing to be notified*** *(1) The Tribunal shall notify the parties the date and place of hearing of the application in such a manner as the Presiding Officer may by general or special order direct.*

22. Powers and functions of the Registrar

(1) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these rules or by the Presiding Officer by a separate order in writing.

(2) The official seal shall be kept in the custody of the Registrar.

(3) Subject to any general or special direction by the Presiding Officer, the seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing from the Registrar.

(4) The seal of the Tribunal shall not affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar.

23. Additional powers and duties of Registrar
In addition to the powers conferred elsewhere in these rules, ***the Registrar shall have the following powers and duties*** *subject to any general or special order of the Presiding Officer, namely,-*

(i) ***to receive all applications and other documents including transferred applications,***

(ii) to decide all questions arising out of the scrutiny of the applications before they are registered;

(iii) to require any application presented to the Tribunal to be amended in accordance with the rules;

(iv) ***subject to the direction of the Presiding Officer, to fix date of hearing of the application or other proceedings and issue notice thereof****;*

(v) direct any formal amendment of records;

(vi) to order grant of copies of documents to parties to proceedings;

(vii) to grant leave to inspect other records of Tribunal;

(viii) dispose of all matters relying to the service of notices or other processes, application for the issue of fresh notices or for extending the time for or ordering a particular method of service on a defendant including a substituted service by publication of the notice by way of advertisements in the newspapers;

(ix) to requisition records from the custody or any court or other authority."

10. A bare perusal of the aforesaid Rules makes it manifest that a Securitisation Application shall be presented by the applicant to the Registrar of DRT. Subject to the directions of the Presiding Officer, the Registrar has the power to fix the date of hearing of the application or other proceedings and issue notice thereof and he has the power to dispose of all matters relating to the service of notices or other processes, application for the issue of fresh notices or for extending the time or for ordering a particular method of service on a defendant, including a substituted service by publication of the notice by way of advertisements in the newspapers. The Registrar has the power to receive all applications and other documents and the defendant will file his reply to the application along with documents, with the registry.

11. When power to issue notice to a defendant has specifically been conferred upon the Registrar of DRT, it cannot be said that the Registrar has no power to issue notice to a defendant to show-cause as to why the S.A. should not be allowed, and also to caution the defendant that in case he fails to file a reply, the S.A. will be heard and decided ex parte.

12. Further, as per Rule 12 of the Procedure Rules, the defendant has to file his reply to the application alongwith the documents with the registry of the DRT and, therefore, the Registrar has rightly directed the defendant to appear in person or by a pleader/ advocate to show-cause why the said S.A. should not be allowed.

13. Therefore, I find no force in the submission of the learned Counsel for the petitioner that the Registrar of DRT has no jurisdiction to issue notice to the opposite parties.

14. It has been pleaded in the petition that on 18.11.2025, the petitioner sent an email to the official email ID of the DRT stating that the Registrar has no authority to issue notice to the respondents to appear before him; that the issuance of notice before listing of the matter before the Presiding Officer is in direct contravention of the DRT (Procedure) Rules, 1993 and that it defeats the very purpose of a caveat and / or urgent hearing as the Registrar has no power to adjudicate upon a Securitisation Application. The petitioner requested the Registrar to withdraw the notice forthwith. It has been pleaded in the petition that the Registrar has failed to reply to the email communication dated 18.11.2025 and / or withdraw the notice dated 11.11.2025. This Court fails to understand as to how withdrawal of the notice would have expedited the hearing of the S.A. Rather, the Securitisation Application cannot be heard without issuance and service of notice of the same upon the defendant. The objection raised by the petitioner appears to be self harming.

15. Although it is pleaded that the petitioner had filed an application for urgent hearing, a copy of the said application has not been brought on record of this petition.

16. The Court requested the learned Counsel for the petitioner to provide assistance with the help of any precedent so as to establish that the grievance being raised by the petitioner falls within the scope of interference under Article 227 of the Constitution of India, but he stated that he has not brought any precedent to be placed before the Court.

17. In ***Estralla Rubber v. Dass Estate (P) Ltd.***: (2001) 8 SCC 97, the Hon’ble Supreme Court held that: -

> “*6. The scope and ambit of exercise of power and jurisdiction*

by a High Court under Article 227 of the Constitution of India is examined and explained in a number of decisions of this Court. The exercise of power under this article involves a duty on the High Court to keep inferior courts and tribunals within the bounds of their authority and to see that they do the duty expected or required of them in a legal manner. The High Court is not vested with any unlimited prerogative to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the subordinate courts or tribunals. ***Exercise of this power and interfering with the orders of the courts or tribunals is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law or justice, where if the High Court does not interfere, a grave injustice remains uncorrected.*** *It is also well settled that the High Court while acting under this article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record. The High Court can set aside or ignore the findings of facts of an inferior court or tribunal, if there is no evidence at all to justify or the finding is so perverse, that no reasonable person can possibly come to such a conclusion, which the court or tribunal has come to."*

18. In ***Surya Dev Rai v. Ram Chander Rai***: (2003) 6 SCC 675, the Hon'ble Supreme Court has summarised the scope of power under Article 227 of the Constitution of India in the following words: -

"*38. ...We sum up our conclusions in a nutshell, even at the risk of repetition and state the same as hereunder:*

* * *

(4) ***Supervisory jurisdiction under Article 227 of the Constitution is exercised for keeping the subordinate courts within the bounds of their jurisdiction. When a subordinate court has assumed a jurisdiction which it does not have or has failed to exercise a jurisdiction which it does have or the jurisdiction though available is being exercised by the court in a manner not permitted by law and failure of justice or grave injustice has occasioned thereby, the High Court may step in to exercise its supervisory jurisdiction.***

> *(5)* ***Be it a writ of certiorari or the exercise of supervisory jurisdiction, none is available to correct mere errors of fact or of law unless the following requirements are satisfied:*** *(i) the error is manifest and apparent on the face of the proceedings such as when it is based on clear ignorance or utter disregard of the provisions of law, and (ii)* ***a grave injustice or gross failure of justice has occasioned thereby.***
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> * * *
>
> *(7) The power to issue a writ of certiorari and* ***the supervisory jurisdiction are to be exercised sparingly and only in appropriate cases where the judicial conscience of the High Court dictates it to act lest a gross failure of justice or grave injustice should occasion****. Care, caution and circumspection need to be exercised, when any of the abovesaid two jurisdictions is sought to be invoked during the pendency of any suit or proceedings in a subordinate court and the error though calling for correction is yet capable of being corrected at the conclusion of the proceedings in an appeal or revision preferred thereagainst and entertaining a petition invoking certiorari or supervisory jurisdiction of the High Court would obstruct the smooth flow and/or early disposal of the suit or proceedings.* ***The High Court may feel inclined to intervene where the error is such, as, if not corrected at that very moment, may become incapable of correction at a later stage and refusal to intervene would result in travesty of justice or where such refusal itself would result in prolonging of the lis****.*
>
> *(8) The High Court in exercise of certiorari or supervisory jurisdiction will not convert itself into a court of appeal and indulge in reappreciation or evaluation of evidence or correct errors in drawing inferences or correct errors of mere formal or technical character.*
>
> * * *”

19. In ***B. S. Hari v. Union of India***: (2023) 13 SCC 779, the Hon’ble Supreme Court held that: -

> *50. ...we reiterate that the High Courts, under Articles 226 and/or 227, are to exercise their discretion “… solely by the dictates of judicial conscience enriched by judicial experience and practical wisdom of the Judge.”, as highlighted in Surya Dev Rai v. Ram Chander Rai. This guiding principle still governs the*

field, and the 3-Judge Bench in Radhey Shyam v. Chhabi Nath [(2015) 5 SCC 423] had only partly overruled Surya Dev Rai in terms below:

> *29.1. Judicial orders of the civil court are not amenable to writ jurisdiction under Article 226 of the Constitution.*
>
> *29.2. Jurisdiction under Article 227 is distinct from jurisdiction under Article 226.*
>
> *29.3. Contrary view in Surya Dev Rai is overruled."*

20. The Registrar DRT issued the impugned notice to the opposite parties on 11.11.2025, directing them to appear before him on 17.11.2025. On 17.11.2025 the Registrar listed the matter for 01.12.2025 before the Presiding Officer of the DRT. The present petition was presented before the Registrar Listing of this Court on 18.12.2025, i.e., after the S.A. had already been listed before the Presiding Officer of the DRT and the grievance of the petitioner that the matter ought to have been listed before the Presiding Officer of the DRT and not before the Registrar, had already been redressed on 01.12.2025. Therefore, besides the fact that the petitioner's submission that the impugned notice has been issued without jurisdiction has been rejected, the notice has not caused a failure of justice or grave injustice to the petitioner, which is a sine qua non for maintaining a petition under Article 227 of the Constitution of India.

21. In view of the foregoing discussion, the petition lacks merits and the same is ***dismissed*** at the admission stage.

22. Before parting with the case, it is necessary to put it on record that there are 207 matters listed today in the list of fresh petitions, 128 matters are listed in the additional list and 51 matters are listed in the daily IA list. The Court repetitively requested the learned Counsel for the petitioner to refrain from wasting the time of the Court and to raise his pleas before the

DRT where the SA is pending but due to his insistence, the Court had to decide the petition by this detailed judgment, which has resulted in unwarranted wastage of the precious time of the Court, which could have been utilized for deciding some other matter. Normally the Court would have imposed costs for wasting time of the Court but keeping in view that the learned Counsel for the petitioner is a young and inexperienced Counsel, who got enrolled with the Bar Council only in the year 2024, the Court is taking a lenient view and is desisting from imposing costs on the petitioner, but the learned Counsel should understand that although he represents his client before the Court, he is not a mere mouthpiece of his client. In case a client insists for filing a petition or advancing a submission which is frivolous, the Advocate should advise him not to do so and the Advocate should refrain from accepting such a frivolous brief.

23. Besides being a representative of his client, an Advocate is a responsible officer of the Court and he should assist the Court with his precise and concise submissions, wherever possible, with the assistance of the relevant Laws, including the Statutes, the Rules and the judicial precedents. It is said that the Bar and the Bench are the wheels of the same chariot. For fast and smooth running of the chariot, it is necessary that all the wheels should move forward at the same pace and one set of wheels should not try to put brakes on the other set of wheels of the chariot.

January 19, 2026
Pradeep/-

(Subhash Vidyarthi,J.)