

114) CWP-513-2024 (O&M) and
CWP-1080-2024 (O&M) 1

IDFC FIRST BANK LIMITED

VS

DISTRICT MAGISTRATE CHANDIGARH AND
OTHERS

Present: Mr. Gaurav Chopra, Sr. Advocate, with
Mr. Nikhil Sabharwal, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Ms. Saigeeta Srivastava, Senior Panel Counsel,
Union of India.

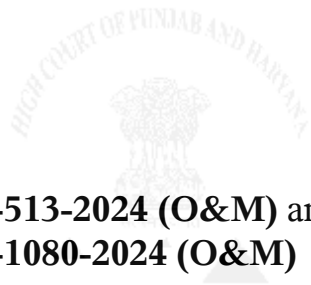
Mr. Gaurav Goel, Addl. Standing Counsel with
Mr. Arav Gupta, Advocate,
for respondents No.1.

Mr. Tegjeet Singh, Advocate
for respondents No.3 and 4 (iii) in CWP-513 of 2024 and
for respondent No.4 and 5(i) to (iv) in CWP-1080 of 2024.

This Court on 31.01.2024 had passed the hereinafter
extracted directions upon the Presiding Officer, DRT-2, Chandigarh.
The said directions are extracted hereinafter:-

“3. The CCTV clippings relating to the day i.e. 12.01.2024, when the matter was listed, being ensured to be placed before this Court, by the Presiding Officer, DRT-II, Chandigarh, on the said date.”

In response to the above said made directions upon the
Presiding Officer of the DRT concerned, the latter has stated in a
communication addressed to this Court, that the CCTV clippings
relating to the day i.e. 12.01.2024, are not available, owing to the fact



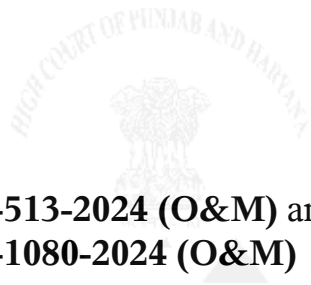
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that the CCTV camera is not installed in the Tribunal house of Debts Recovery Tribunal-2, Chandigarh.

However, the learned counsel for the petitioner as well as the President of the DRT Bar Association, Chandigarh, controvert the said communication addressed to this Court. They referred to directions which are embodied in the verdict drawn by this Court on 03.11.2023. The said directions are extracted hereinafter:-

- “i. Union of India to ensure that there is no let up in providing entire necessary infrastructure to facilitate hearing through hybrid mode before learned DRT, Chandigarh in terms of order dated 06.10.2023 passed by Hon'ble the Supreme Court in the case of Sarvesh Mathur (Supra). In compliance of abovesaid order, there shall be no requirement of submitting prior applications for such hearings. Dedicated links for access to hearing through this mode would appear in the daily cause list of the Tribunal.
- ii. Keeping in view the submission made on behalf of respondent no.4, recording of proceedings before respondent no.4 be carried out by dedicated personnel to be provided by Union of India under direct supervision of respondent no.4.
- iii. Till further orders, there be no insistence upon deposit of costs in compliance of any order passed by respondent no.4 for restoration of any OA/SA dismissed in default between October 2022 till date.
- iv. Application (s), if any, for preponement of matters adjourned for long dates beyond six months to be considered by respondent no.4 in accordance with



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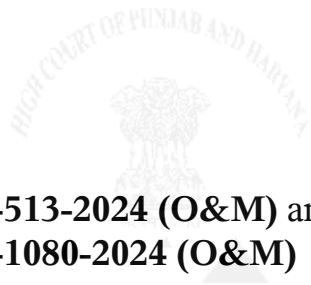
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law.

- v. Lawyers to resume work before learned DRT-II without further ado. Cordial and congenial atmosphere be maintained by both members of petitioner Association and respondent no.4 to obviate any prejudice to the litigants.
- vi. Union of India shall ensure that proper infrastructure and staff as may be required should be provided as soon as possible. Necessity of making available additional benches, if so required, be examined, explored and requisite steps be undertaken as may be required. Report in this respect be filed on behalf of Union of India before the next date of hearing.”

The learned counsel for the petitioner also refers to an order made by this Court on 25.01.2024, the relevant portion whereof becomes extracted hereinafter:-

“Learned counsel for Union of India while referring to affidavit dated 15.12.2023 of Mr. Subhash Chandra Amin, Under Secretary to the Government of India, Ministry of Finance, Department of Financial Services, submits that infrastructure of hybrid hearing at Debt Recovery Tribunal-I, II and III is in place. Furthermore, dedicated personnel has been deputed for recording of the proceedings, though, learned counsel for petitioner(s) submit that working of hybrid system is erratic with video and audio picture switched on and off at whims and fancies of respondent No.4. Mr. Jain further submits that DRTs and DRAT are at liberty to engage the staff for any vacant post in group B and C through outsourcing against sanctioned strength to a maximum of 10%. It is also



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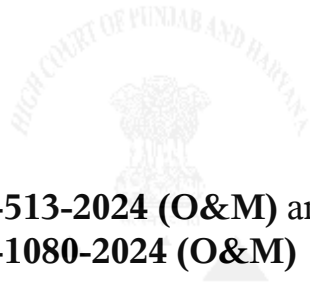
informed by learned ounsel for Union of India that on 21.01.2024 Hon'ble Search-cum-Selection Committee has recommended appointment of Inquiry Officer.

Learned counsel for Union of India prays for some time to file a comprehensive affidavit of competent official in respect to requirement of staff as has been raised and sanctioned strength available at DRTs-I, II and III. Requirement of any additional DRTS as may be, for the States of Punjab, Haryana and U.T. Chandigarh, on account of pending matters, be also detailed in said affidavit.

Learned counsel for respondent No.4 prays for some time to seek instructions in respect to the averment that hybrid hearing is erratic and not seamless. It also be informed whether video recording of proceedimngs is being carried out or not.”

Therefore, on readings of the above extracted orders, it is clear, that hybrid system with video and audio picture, is in place at the DRT concerned. Nonetheless, it is also clear from readings of the above said paragraph, that the working thereof is erratic, and the said, is a result of the Presiding Officer concerned, at his own whims rather the switching on and off the said system. The speaking (supra) thus loudly speak about the Presiding Officer, DRT-2, Chandigarh, thus to rob the well purpose qua the transparency of the justice dispensation system, and that too *prima facie* for ulterior motives, is undertaking the ill exercise of making the hybrid system with video and audio picture, to be rather dysfunctional.

Furthermore, since it is also spoken in the above extracted



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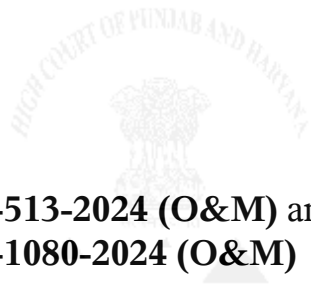
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order that an intimation be made to this Court, whether the video recording of proceedings is being carried out or not. However, there is no further compliance affidavit purveyed to this Court nor when any deficit compliance thereto has been ensured to be remedied. Nonetheless, the above made speakings in the communication addressed to this Court by the Presiding Officer, DRT-2, Chandigarh, but do, from the hereinabove made references, thus become completely belied.

In consequence, this Court deems it fit and appropriate to issue a show cause notice upon the Presiding Officer, DRT-2, Chandigarh, for the latter making an explanation to this Court as to why proceedings for contempt be not initiated against him for his making the above miscommunication, which but is *prima facie* completely ridden with lies.

Therefore, the Registry of this Court is directed to forthwith draw the show cause notice and is also directed to forthwith deliver the show cause notice to the Presiding Officer, DRT-2, Chandigarh. It is clarified that the said show cause notice shall embody therein, the askings of reasons, for the Presiding Officer, DRT-2, Chandigarh, taking to make a prevaricated communication to this Court.

The Presiding Officer, DRT-2, Chandigarh is directed to make a reply to the said show cause notice(s) within a fortnight from today.



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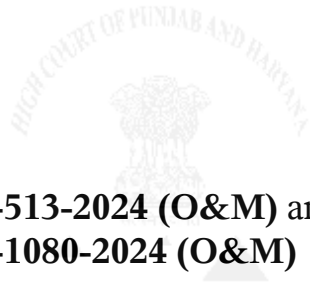
It is further directed that since in the light of what has been stated hereinabove, it is evident that CCTV cameras are installed within the Court room of the Presiding Officer, DRT-2, Chandigarh, therefore the NIC concerned, who looks after the maintenance of the CCTV cameras and the maintenance of the video recordings, is directed to preserve, the said recordings related to the instant case. In case the said order is not complied with, then the NIC concerned shall be liable for contempt.

The Registrar General of this Court is directed to forthwith make an oral communication of this order to the NIC concerned. The said preserved CCTV clipping(s) by the NIC concerned, is directed to become forthwith delivered in a sealed cover to the Registrar General of this Court.

Mr. K.P.S. Dhillon, Advocate, President of DRT Bar Association, Chandigarh is directed to join the proceedings and to assist this Court in the contempt petition.

The Registry of this Court is directed to prepare a separate file, in respect of the above, required to be initiated contempt action against the Presiding Officer, DRT-2, Chandigarh. The Registry of this Court is directed to ensure that the show cause notice becomes personally delivered to him (supra) within a week from today.

A photocopy of the communication addressed to this Court by the Presiding Officer, DRT-2, Chandigarh, is delivered to the counsels appearing before this Court, including the President of the



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DRT Bar Association, Chandigarh, who are at liberty to controvert, through adducing tangible and cogent evidence, thus the communication (supra) as is made to this Court by the Presiding Officer, DRT-2, Chandigarh.

List on 28.02.2024 for the above purposes as also for hearing is being made upon civil writ petitions (supra).

A copy of this order be placed on the file of connected case. List in the urgent list.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

February 06, 2024
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