

**IN THE COURT OF ADDL. DISTRICT JUDGE (COMMERCIAL COURT), JAMMU.**

**CNR No. JKJM020056182023**

**File No. 215/2023**

**Date of Institution: 01.08.2023**

**Date of Order: 20.08.2024**

UCO Bank formerly known as United Commercial Bank, a Banking Company incorporated under the Banking Companies (Acquisition Act V of 1970) having its Head Office at 10- Bipillabi Trilokya Maharaja Sarani, Kolkota and one of its branches at Digiana, Jammu through its Manager of the Bank Sh. Vikas Gupta.

...Decree Holder

Through: Sh. Rupinder Gupta Advocate.

Vs.

Ms Simran Hardware Store & Ors

...Judgment Debtor (s)

Through: Nemo.

In the matter of: - Application for execution of decree dated 15.01.2015.  
for an amount of Rs. 60,61,410/- along with costs.

**CORAM: Kamlesh Pandit,**

**UID No. JK00078.**

**ORDER**

1. The present execution petition pending adjudication before this court for execution of the decree dated 15.01.2015. The Government of India vide S.O. No.4145(E) issued by the Ministry of Finance (Department of Financial Services) dated 10.09.2021 in exercise of the powers conferred by Section 3 of the Recovery of Debt and Financial Institution Act 1993 has made the amendment in the Notification of the Government of India, Ministry of Finance (Department of Financial Services) No. S.O. 3799(E) dated 09.02.2017 and extended the jurisdiction of the Debt Recovery Tribunal-1 Chandigarh to the Union Territory of J&K along with State of Himachal Pradesh and some districts of State of Punjab for adjudication of the suits and other proceedings. In pursuance to Sub Section (4) of Section 1 of the Recovery of Debt due to Banks and Financial Institutions Act 1993 substituted by S.O. No.4312 dated 6<sup>th</sup> September 2018 (Ministry of Finance, Department of Financial Services, the provision of the said Act shall not apply where the amount of debt due to any bank or Financial Institution or to a consortium of banks or Financial Institution is less than twenty lakh rupees. Owing to the bar of jurisdiction provided in Section 18 of the Act, this court lacks

the jurisdiction to adjudicate upon the instant suit. As such the jurisdiction to adjudicate upon the instant suit in terms of Section 17 of the Act exclusively vested with the DRT-1 Chandigarh. The instant suit is required to be transferred to Debt Recovery Tribunal-1 Chandigarh.

2. Having regard to the settled position of law and keeping in mind, the procedure provided under Section 31 of the Recovery of Debt due to Banks and Financial Institutions Act 1993, the instant suit shall stand transferred to the Debt Recovery Tribunal-1 Chandigarh. The record of the file is ordered to be transferred to the said Tribunal in terms of Clause 2-A of Section 31 of the Act. The next date will be notified by the concerned Debt Recovery Tribunal accordingly. The interim directions if any shall stand vacated. The office shall prepare the index and the same be consigned to records accordingly.

**Announced:**

20.08.2024

**(Kamlesh Pandit)**  
**Addl. District Judge,**  
**Commercial Court, Jammu**