



SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	06.12.2024		WPMB No. 555 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> 1. Mr. Dharmendra Barthwal, learned counsel for petitioners. 2. Mr. Siddhartha Jain, learned counsel for respondent-bank. 3. Petitioners are borrowers, who defaulted in repayment of loan. Respondent-Bank sold the secured asset of the petitioners in a public auction, held on 26.04.2023. Petitioners challenged the auction sale made by respondent-Bank before Debts Recovery Tribunal, by filing a Securitization Application. The said application was decided vide order dated 06.11.2024, by providing that if applicants (petitioners herein) pay an amount of Rs.35,35,000/- with simple interest @ 12% from the date of auction, i.e. 26.04.2023, till the date of payment, the sale certificate issued in favour of auction-purchaser shall stand cancelled. 4. In this Writ Petition, petitioners have sought the following reliefs : <i>"I. Issue a writ, order or direction in the nature of Certiorari quashing the judgment and order dated 06.11.2024 passed by the Hon'ble debt recovery tribunal Dehradun in SA NO. 135 of 2023 "Rajan Behl VS Punjab National Bank & Others" (Annexure No - 1)</i> <i>II. Issue a writ, order or direction in the nature of Certiorari quashing the Sale Certificate dated 26.05.2023 issued by the Punjab National Bank (Annexure No - 11).</i> <i>III. Issue a writ, order or direction quashing the entire SARFAESI action initiated by the respondent bank against the present petitioners.</i> <i>IV. Issue any suitable writ, order or direction, which this Hon'ble court may deem fit and proper on the basis of the facts and circumstances of the case."</i>



5. Learned counsel for petitioners submits that learned Debts Recovery Tribunal had given 30 days to petitioners for depositing Rs. 35,35,000/-, along with interest, and the said 30 days' period came to an end on 05.12.2024. He submits that due to unavoidable circumstances, petitioners could not deposit the said amount within stipulated time, therefore, petitioners be given further 15 days time for paying the said amount. He further submits that the property was sold for an amount, which is more than the amount, which petitioner was liable to pay to the Bank, therefore, the surplus money lying with the respondent-Bank amounting to around Rupees Thirteen Lakhs be adjusted towards the money, which petitioner is liable to pay to the auction purchaser and 15 days time be given to him to pay the remaining amount.

6. We are not inclined to grant the relief, as claimed by petitioners. Since learned DRT, Dehradun had given 30 days time to petitioners to pay the amount, and petitioners have failed to deposit the said amount within stipulated time, therefore, learned DRT alone can extend the time, which was granted to petitioners vide order dated 06.11.2024.

7. In such view of the matter, the present Writ Petition is dismissed. However, petitioners shall be at liberty to seek extension of time, by moving an appropriate application, before learned DRT.

8. Pending application(s), if any, also stand disposed of.

(Vivek Bharti Sharma, J.)
06.12.2024

Rahul

(Manoj Kumar Tiwari, A.C.J.)
06.12.2024