

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 2949/2024
CM Nos. 1310/2025 &
7259/2024
Cav No. 1888/2024

M/s Quality Zinc Pvt. Ltd.

.....Petitioner(s)

Through: Mr. Mohd. Latif Malik, Advocate.

Vs

UT of J&K & Ors.

.....Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Nazia Fazal, Advocate.
Mr. Akash Gupta, Advocate.

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(04.12.2025)

01. This is second visit of the petitioner to this Court for the purpose of seeking intervention of this Court to somehow keep the Jammu & Kashmir Bank Limited-the respondent No. 4, who is a creditor of the petitioner entangled in a litigation of one sort or other so as to earn reprieve in the matter of discharge of the financial liability resting upon the head of the petitioner.

02. Earlier, the petitioner had come forward with writ petition WP(C) No. 1399/2024 which came to be disposed of without adjudication on merits and rightly so with a direction to the writ respondents therein to accord consideration to the representation

of the petitioner preferred by reference to Government Order No. 940-JK(GAD of 2024) dated 08.04.2024.

03. The petitioner is a borrower of the Jammu & Kashmir Bank Limited and having turned defaulter came to be subjected to recovery proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFESI Act) in the year 2023 when the petitioner was called upon to liquidate liability of **Rs. 4,48,94,785/-** standing as on **17.06.2023**.

04. The petitioner, in exercise of its legitimate right, approached the Debts Recovery Tribunal (DRT), Chandigarh, with a petition which is said to be pending adjudication as on date as well.

05. The petitioner has now come second time with the present writ petition for the purpose of exploiting so-called One-Time Settlement (OTS) window for the purpose of relieving itself from the debt liability subsisting against it and the excuse for coming in writ petition is an e-Mail dated 02.12.2024 sent by the Jammu & Kashmir Bank to the petitioner stating therein that the proposal for One-Time Settlement submitted by the petitioner is rejected by the competent authority.

06. This e-Mail communication *per se* means that the proposal submitted by the petitioner was considered and rejected by the creditor and that is good enough for this Court to stay its hands off

from the writ petition filed by the petitioner as there is no jurisdiction vested in this Court to direct and dictate a creditor as to how it shall deal with its defaulting debtor.

07. Mr. Akash Gupta, learned counsel for the respondent-Jammu & Kashmir Bank also apprises this Court that the Jammu & Kashmir Bank has also initiated recovery proceedings before the Debts Recovery Tribunal (DRT), Chandigarh though after institution of the present writ petition.

08. Therefore, the entire domain of adjudication of any issue whatsoever between the petitioner and the respondent No. 4-Jammu & Kashmir Bank is with the Debts Recovery Tribunal (DRT), Chandigarh and for that purpose this Court should stay away from any intervention on any pretext whatsoever is what Mr. Akash Gupta, learned Advocate urges before this Court.

09. The plea of Mr. Akash Gupta, learned counsel for the respondent-Jammu & Kashmir Bank is well meaning and sound in law and cannot be deflected by this Court on any pretext.

10. Accordingly, this writ petition is held to be misconceived and non-maintainable, as such, **dismissed**.

11. Interim direction in the order dated 17.12.2024 is also vacated.

12. The dismissal of this writ petition shall be without prejudice to the respective position of the petitioner as well as of the Jammu & Kashmir Bank before the Debts Recovery Tribunal (DRT), Chandigarh be it in a petition filed by the petitioner or the recovery petition filed by the Jammu & Kashmir Bank.

(RAHUL BHARTI)
JUDGE

JAMMU
04.12.2025
Shivalee

