

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.12134 of 2015

Date of decision:2.7.2015

Saini Poultry Farm and another

....Petitioners

VERSUS

Authorized Officer and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Munish Gupta, Advocate for the petitioners.

Mr. Arvind Rajotia, Advocate for respondents.

HEMANT GUPTA, J.(Oral)

The petitioner has challenged the notices issued under Section 13(2) and 13(4) of the Securitization and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002 (for short 'the Act') before this Court when the auction was proposed to be held on 06.06.2015.

The Bank in reply has pointed out that the petitioner has filed an application under Section 17 of the Act before the Debts Recovery Tribunal which was dismissed for want of prosecution. The remedy in these circumstances for the petitioner is to seek restoration of the application filed under Section 17 of the Act or to file an appeal before the Debts Recovery Appellate Tribunal. The invocation of jurisdiction of this Court when his application under Section 17 of the Act stands dismissed in default is not tenable.

The petitioner states that it is willing to settle its loan account.

It is always open to the petitioner to approach the Bank for settlement but for that purpose intervention of this Court is not warranted.

In view thereof, we dispose of the present writ petition with liberty to the petitioner to seek remedy as may be available to the petitioner in accordance with law.

(HEMANT GUPTA)
JUDGE

JULY 2, 2015
‘D. Gulati’

(LISA GILL)
JUDGE