

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP No.14547 of 2015 (O&M)

Date of Decision: 22.07.2015

M/s Majestic Hotels Limited

...Petitioner

Versus

The Authorized Officer, IFCI Ltd. & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. V.K. Sachdeva, Advocate, for the petitioner.

HEMANT GUPTA, J.

Learned counsel for the petitioner argued that an application under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act') was filed on 15.07.2015 on which the Debt Recovery Tribunal (for short 'the Tribunal') has issued notice for 30.07.2015. On the said date, the auction of the mortgaged property is also scheduled to be held by the Financial Institutions.

The assertion of the petitioner is that the Tribunal is not likely to decide such application before the auction is conducted, which will defeat the rights of the petitioner. The apprehension of the petitioner is based upon the fact that earlier an application under Section 17 of the Act alongwith an application for stay was filed, but was not decided. The petitioner sought to amend such application, which was not allowed. Left with no other option, the petitioner has to withdraw such application and filed the present application under Section 17 of the Act.

On the basis of assertion made on behalf of the petitioner, we deem it appropriate to direct the Tribunal to decide the application filed by the petitioner under Section 17 of the Act expeditiously. We further direct that the Tribunal and/or the secured creditors shall not confirm the auction till such time, the application is decided by the Tribunal.

With such directions, the instant writ petition stands disposed of.

(HEMANT GUPTA)
JUDGE

22.07.2015
Vimal

(LISA GILL)
JUDGE