

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

CWP No. 25492 of 2015

DATE OF DECISION : 05.12.2015

The Citizens Urban Cooperative Bank Ltd., Mandi Road, Nur Mahal, Tehsil
Nakodar, District Jalandhar

.... PETITIONER

Versus

State of Punjab and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present : Mr. D.V. Sharma, Senior Advocate, with
Ms. Shivani Sharma, Advocate,
for the petitioner.

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SATISH KUMAR MITTAL, J. (Oral)

The Citizens Urban Cooperative Bank Limited, Nur Mahal, has filed this petition challenging the order/memo dated 02.11.2015 (Annexure P-14) passed by Sub Registrar, Nakodar, intimating M/s Bhandal Rice Mill through its proprietor that its application for registration of the sale certificate cannot be allowed, as the issue as to whether the Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'the Act') is applicable to the banks which have been registered under the Cooperative Societies Act, 1912, is pending before the Hon'ble Apex Court.

It is the case of the petitioner bank that it has been notified as a

financial institution for the purpose of the Act, therefore, the Act is applicable to the petitioner bank.

After hearing learned counsel for the petitioner, we are of the opinion that the impugned order/memo passed by the Sub Registrar on an application filed by M/s Bhandal Rice Mill through its proprietor is appealable under the Registration Act, 1908. The petitioner bank was not a party before the Sub Registrar. If the petitioner bank is aggrieved against the said order/memo, it can move an application before the same authority or can file an appeal before the Appellate Authority.

In view of the above, at this stage, we are not inclined to entertain this petition.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

December 05, 2015
ndj

(SHEKHER DHAWAN)
JUDGE