

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

CWP No.793 of 2015

Date of decision:1.4.2015

M/s Raj Bhagat Food Pvt. Ltd.

....Petitioner

VERSUS

**Authorized Officer/Chief Manager, State Bank of India and
another**

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. V.K. Jindal, Senior Advocate with
Mr. Amardeep Singh Sheoran, Advocate
for the petitioner.

Mr. Vikas Chatrath, Advocate
for respondents.

HEMANT GUPTA, J.(Oral)

Learned counsel for the petitioner wishes to withdraw the present writ petition as he is unable to comply with his undertaking to make the payment made on 02.03.2015 and on 30.03.2015.

As a matter of fact, on 02.03.2015, learned counsel for the Bank made a statement to keep the letter dated 01.01.2015 in abeyance for a period of three weeks so as to enable the petitioner to sell the property. The petitioner was called upon to deposit the entire dues of the Bank immediately on 01.01.2015. The relevant extract from the letter dated 01.01.2015 reads as under:-

“Sub: Compromise settlement: rendering of the compromise as invalid and withdrawal of benefits extended.

With reference to the captioned subject we hereby inform that M/s Raj Bhagat Foods Pvt. Ltd. have not deposited the balance

compromise amount by 31/12/2014 as agreed and ordered vide consent decree from DRT, Chandigarh, rendering the compromise invalid. Therefore, the benefits extended to you through compromise stands withdrawn. Consequently, you are requested to deposit the entire dues to the bank immediately, failing which the Bank will be at liberty to take every remedial measure to recover its dues.”

We find that the petitioner has sought to gain time without any intention to make the payment, although the property according to the petitioner stands sold. The petitioner has failed to deposit the sale consideration of the property sold.

Since, the petitioner has abused the process of Courts in taking interim orders but without making payment of the sale consideration, therefore, while permitting the petitioner to withdraw the writ petition, we impose a cost of Rs.1,00,000/- upon the petitioner. The costs be deposited with the Bank within one month from today. The Bank is at liberty to take such other action as is permissible in law.

(HEMANT GUPTA)
JUDGE

APRIL 1, 2015
‘D. Gulati’

(LISA GILL)
JUDGE