

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

CWP No.6095 of 2016

Date of Decision : 30.03.2016.

M /s Radikal Agrotech Private Limited

.....Petitioners

Versus

Punjab National Bank and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF
JUSTICE**

HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Samarth Sagar and Mr. Sankar Sagar, Advocates
for the petitioners.

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

Issue notice of motion.

2. Service is waived qua respondents as Mr. Umang Kumar Khosla, Advocate, accepts notice on their behalf. Let a complete set of paper book be supplied to him during the course of the day.

3. The petitioners have challenged the respondents' action of auctioning their stocks of commodities *viz.* paddy pledged with the bank. The petitioners contend that they have not been served any notice under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

4. We would normally not have entertained this writ petition. However, in view of the offer made by the petitioners, we consider it appropriate to dispose of the petition in the following manner.

5. The respondents' bank is a pledgee of the stocks of paddy. It holds the warehouse receipts. The stock is, therefore, secured and safe. Learned counsel appearing on behalf of the respondents states that an amount of Rs.46,00,000/- is

due and payable by the petitioners to the respondents. We intend making the offer made by the petitioners as a part of our order. The petition is therefore, disposed of by the following order:-

The petitioners' undertaking to do the following is accepted and it is so ordered:-

- (i) One post dated cheque of Rs.6.50 lacs dated 04.04.2016 and three post-dated cheques amounting to Rs.15 lacs each dated 20.04.2016, 04.05.2016 and 20.05.2016 shall be handed over by the petitioners to the 1st respondent by 02.04.2016.

Further, a blank cheque dated 02.06.2016 shall also be handed over by the petitioners to the respondents which the respondents shall be entitled to fill in with the amount payable towards interest. This cheque shall not be presented till after the expiry of a period of one week of written intimation thereof by the respondents to the petitioners' advocate. This would enable the petitioners to challenge the quantum, if necessary.

- (ii) The auction which was scheduled to be held at 4.00 P.M. today shall stand postponed to 10.04.2016. In the event of cheque dated 04.04.2016 being honoured, the auction shall stand postponed to 25.04.2016. In the event of the cheque dated 20.04.2016 being honoured, the auction shall stand postponed to 10.05.2016. In the event of the cheque dated 04.05.2016 being honoured the auction shall stand postponed to 25.05.2016. In the event of the cheque dated 20.05.2016 being honoured, the auction shall stand postponed to

27.05.2016.

- (iii) In the event of the cheques being honoured upon the presentation on the aforesaid dates, the 1st respondent shall release the proportionate amount of the pledged stocks forthwith. In the event of there being a default in respect of any of the installments, this order shall stand vacated forthwith without further reference to the Court and the respondents shall be entitled to auction the pledged stock. This would be in addition to any other consequences that may be visited upon the petitioners on account of the cheque(s) being dishonoured.
- (iv) Needless to state that in the event of all the cheques including the blank cheque as filled in being honoured the auction shall stand cancelled.
- (v) Liberty is granted to the parties to apply in case of difficulty.

Copy dasti under the signatures of the Bench Secretary.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

30.03.2016
Manoj Bhutani/parkash

(ARUN PALLI)
JUDGE