

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

CWP No. 11523 of 2016 (O&M)

Date of decision: 15.12.2017

Indian Overseas Bank

.. Petitioner

vs

State of Haryana and others

.. Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Gurvinder Singh Gill

Present: Mr. C.S. Pasricha, Advocate and
 Ms. Ratika Attri, Advocate, for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Aalok Jagga, Advocate, for the respondents No.3 to 7.

Rajesh Bindal, J.

Challenge in the present petition is to the order passed by the District Magistrate on an application filed by the Bank under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act').

Even subsequent application filed by the petitioner was dismissed on 3.10.2017 opining that there was no provisions for review of the order earlier passed.

Learned counsel for the petitioner submitted that the Debts Recovery Tribunal-II, Chandigarh (for short, 'the Tribunal') has decided the Original Application (OA) filed by the Bank on 10.11.2017 holding that property in question was mortgaged with the Bank. Hence, the issue regarding mortgage of property has been decided in favour of the Bank and the District Magistrate should take action under Section 14 of the SARFAESI Act.

Learned counsel for respondent No.3 to 7 submitted that copy of the order passed by the Tribunal was received on 12.12.2017 and respondents are in the process of filing appeal before the Debts Recovery Appellate Tribunal.

After hearing learned counsel for the parties and considering the fact that the issue regarding the property being mortgaged has been decided by the Tribunal, the District Magistrate shall be free to decide the application filed by the Bank under Section 14 of the SARFAESI Act without being prejudiced by the earlier order passed.

The petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

15.12.2017
sharmila

Whether speaking/ reasoned
Whether Reportable

Yes/No
Yes/No