

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 11762 of 2017

Date of Decision: 25.5.2017

Babita Aggarwal and another

....Petitioners.

Versus

Bank of Baroda

...Respondent.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.**

PRESENT: Mr. Rishabh Kapoor, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant writ petition filed under Article 226 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing the respondent to deliver vacant possession of the industrial building purchased vide sale certificate dated 17.10.2016 (Annexure P-3).

2. The petitioners purchased the immovable property as mentioned in para 2 of the petition in auction. The respondent published an e-auction sale notice dated 17.8.2016 (Annexure P-1) for the said immovable property. The said notice was issued in pursuance to the possession taken by the respondent under Section 13(2) of the Securitization and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002. In pursuance thereto, the petitioners participated in the said auction by depositing the earnest money of ₹ 21,60,000/- and other documents (Annexure P-2) with the respondent. Their bid was accepted and after having made the payment of stamp duty of ₹ 9,79,500/- and the sale consideration of ₹ 3,26,50,000/-, the sale certificate dated 17.10.2016 (Annexure P-3) was executed in favour of the petitioners by the respondent.

Further, the authority letter dated 15.10.2016 (Annexure P-4) was also executed by the respondent. In pursuance to the said sale certificate (Annexure P-3), the possession letter dated 19.10.2016 (Annexure P-5) was issued to the petitioner granting possession of the immovable property. Despite repeated requests by the petitioners, the plant and machinery lying in the immovable property was not removed. Accordingly, the petitioners served a legal notice dated 19.1.2017 (Annexure P-6) upon the respondent to remove the plant and machinery from the immovable property and to deliver the vacant possession of the building, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a legal notice dated 19.1.2017 (Annexure P-6) to the respondent, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing the respondent to take a decision on the legal notice dated 19.1.2017 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of one month from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

May 25, 2017
gbs

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

Yes/No