

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Civil Writ Petition No.15813 of 2017.

Date of Decision: July 21, 2017

United Bank of India

.....Petitioner

versus

The District Magistrate, Faridabad and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Rabi Narayan Rout, Advocate, for the petitioner.
Mr.Siddhrath Sanwaria, DAG, Haryana.

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Surya Kant, J. (Oral)

Notice of motion to respondent No.1 only at this stage.

On our asking, Mr.Siddhrath Sanwaria, Deputy Advocate General, Haryana, accepts notice on his behalf.

Let two copies of the writ petition be supplied to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent No.1 or to serve respondent Nos.2 to 4 at this stage as no final order on merits prejudicial to their interest is being passed.

The petitioner is a banking company and is authorized representative of consortium of banks who are joint lenders to respondent Nos.2 to 4. It is averred that the loan amount of about Rs.200 crores is outstanding against the above-mentioned respondents and their accounts have been declared 'Non-Performing Assets' (NPA). After issuing notice under Section 13(2) followed by action under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the 2002 Act'), the petitioner-bank

has filed a petition under Section 14 of the 2002 Act on 16.09.2016 before the District Magistrate, Faridabad (P-11) with a request to take possession of the immovable properties (secured assets) and hand-over the same to the petitioner-bank. It appears from the record that objections on that petition were invited from the borrowers who averred that the Government of Haryana was contemplating to take-over the Medical College and Hospital alongwith assets and thus the District Magistrate was requested not to take action under Section 14 of the 2002 Act.

Counsel for the petitioner-bank informs that the State Government neither taken-over the Medical College nor any such process has been initiated. According to him, the above-stated plea is a device to buy some more time by the borrowers.

Having heard learned counsel for the petitioner and considering the legislative object behind 2002 Act, coupled with the time limit prescribed for a District Magistrate to act upon under Section 14 of the 2002 Act and also keeping in view the fact that the District Magistrate, Faridabad is sitting over the matter from the last about 10 months, we deem it appropriate to dispose of this writ petition without expressing any views on merits, with a direction to the District Magistrate, Fardiabad, to pass an appropriate order on the petition filed under Section 14 of the 2002 Act, within a period of one month from the date of receiving a certified copy of this order. Ordered accordingly.

[SURYA KANT]
JUDGE

July 21, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No