

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.162 of 2017

Date of Decision: January 11, 2017

M/s Mohan Tractors (P) Ltd.

.....Petitioner

versus

Haryana Urban Development Authority and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.A.K.Chopra, Senior Advocate with
Mr.G.S.Bhandal, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner purchased an industrial plot No.1297 situated at MIE, Bahadurgarh, in an auction conducted under Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The auction was held on 24.08.2011. Subsequently, with the intervention of orders passed by the High Court of Delhi, the bank with whom the plot was hypothecated as a security has executed the sale deed in favour of petitioner.

The HUDA authorities however, declined to transfer the plot in the name of the petitioner on finding that the subject plot has been attached by the Excise and Taxation Authorities of the State of Haryana, for the purpose of recovery of arrears of Rs.51,58,678/- against the previous owner. A communication to this effect was sent to the petitioner's proprietor on 29.04.2016 (P-6). The petitioner has thereafter represented the HUDA authorities against the aforesaid communication followed by a legal notice dated 24.11.2016 (P-10) highlighting the legal provisions whereunder the petitioner claims its right to seek transfer of the plot in its favour. Since the aforesaid representation/legal notice has not been decided so far, learned

decide the said claim by way of a reasoned order.

We thus dispose of this writ petition with a direction to respondent Nos.2 & 3 to ascertain the correct facts, hear the petitioner's representative and thereafter decide its claim by way of a reasoned order within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

January 11, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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