

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.18420 of 2017.

Date of Decision: August 21, 2017

Freedom Rubber Limited and anotherPetitioners

versus

Canara Bank and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Akhilesh Vyas, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners have a loan liability of over Rs.13.00 crores as on 31.05.2016. The account of the 1st petitioner was declared as 'Non Performing Asset' (NPA) and the respondent-bank has initiated action under Sections 13(2) & (4) of the Securitization & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short. 'the 2002 Act'). The petitioners have filed Securitization Application (SA) before the Debts Recovery Tribunal-II, Chandigarh which is still pending. Meanwhile, the bank appears to have made an attempt to take physical possession of the 'secured assets' which is a running industrial unit and as such action under Section 13(4)(a) of the 2002 Act has been initiated.

At this juncture when the petitioners apprehend to lose physical possession of the Industrial Unit, 'One Time Settlement' offer is said to have been made by them offering Rs.4.50 crores. The grievance in the instant writ petition is that without taking any decision on 'One Time Settlement' offer, the petitioners are sought to be dispossessed.

We have heard learned counsel for the petitioners at a

considerable length.

Though there is a huge gap between the outstanding loan amount and the offer made by the petitioners for one time settlement, nevertheless without expressing any views on the *bonafide* of the petitioners' offer, the instant writ petition is disposed of with a direction to the respondent-bank to take a decision on 'One Time Settlement' offer made by the petitioners within four weeks from the date of receiving a certified copy of this order and communicate its decision to the petitioners.

Till such time, *status-quo* re: possession shall be maintained.

Dasti.

[SURYA KANT]
JUDGE

August 21, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

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