

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

CWP No.22208 of 2017 (O&M)

Date of Decision:- 26.10.2017

Hindustan Petroleum Corporation Ltd.

... Petitioner

Versus

Oriental Bank of Commerce and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Raman Sharma, Advocate, for the petitioner.

Rajesh Bindal, J.

Learned counsel for the petitioner does not dispute the fact that the petitioner has effective remedy of filing application before the Debts Recovery Tribunal (for short “the Tribunal”) under Section 17(1) of the SARFAESI Act, 2002 (for short “the Act”) against the action initiated by the bank under Section 13(4) of the Act. However, he submitted that the period to file the application having expired during the pendency of the present petition, reasonable time be granted to the petitioner to approach the Tribunal.

After hearing learned counsel for the petitioner, the present petition is dismissed as withdrawn with liberty to the petitioner to avail its remedy before the Tribunal under Section 17(1) of the Act. However, the

petition having been filed in this Court on 14.9.2017 i.e. within limitation as provided under Section 17(1) of the Act, we deem it appropriate to give 10 days' time to the petitioner to avail of its remedy under Section 17(1) of the Act. In case application is filed before the Tribunal in the aforesaid period, the same shall be considered on merits and shall not be dismissed on account of delay only.

(Rajesh Bindal)
Judge

October 26, 2017
mohan

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No