

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6438 of 2017

Date of decision: 28.03.2017

Rajnish Sharma

....Petitioner

Versus

State Bank of India

....Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. D.K. Bhatti, Advocate, for the petitioner.

RAMENDRA JAIN, J.

Petitioner being the proprietor of M/s Shree Krishna Flour Mills, Dhulkot Road, Mehtabgarh near Mandi Ahmedgarh, Tehsil Malerkotla, District Sangrur, to run his business, availed financial assistance from the respondent-bank. However, due to some financial constraints, the petitioner failed to meet the financial commitments with the respondent-bank. Resultantly, the respondent-bank vide its communication dated 11.01.2017 floated a One Time Settlement Scheme (OTS) under the name and style of "One Time Settlement of Non-performing assets in Manufacturing, Trade & Services, 2016". Under the said Scheme, the petitioner was eligible for One Time Settlement on the terms and conditions stipulated therein. It was specified that unit of the petitioner would be eligible for an additional incentive of 10% discount on OTS amount on making the entire payment on or before 31.3.2017 and for becoming eligible, petitioner had to pay a sum equal to 25% of the OTS amount. However, in the meantime, petitioner was lodged in jail in a case under Section 420 IPC and thus failed to adhere to the OTS terms. Consequently, respondent-bank issued e-auction notice dated 3.3.2017 to auction the property of the petitioner on 27.3.2017.

226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of *mandamus* for directing the respondent-bank to extend the date of e-auction notice dated 3.3.2017 (Annexure P-2) and further for staying the operation of the impugned notice.

3. Learned counsel for the petitioner contended that petitioner is ready and willing to settle the matter with the respondent-bank and repay the amount under the OTS. The fault on the part of the petitioner is not intentional, but due to his false implication in the criminal case. In case, the impugned notice is not stayed, petitioner would suffer an irreparable loss.

4. We have given our thoughtful consideration to the averments made by learned counsel for the petitioner.

5. Admittedly, the petitioner initially defaulted in adhering the financial discipline and then to the OTS Scheme of the respondent-bank. Therefore, in our considered view he is not entitled to any relief from this Court in extra ordinary jurisdiction under Articles 226/227 of the Constitution of India. However, it shall be open to the petitioner to take recourse to the remedies as available to him in accordance with law.

6. The petition being devoid of any merit is dismissed.

7. Registry is directed to bring this order to the notice of the respondent-bank.

(RAMENDRA JAIN)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

March 28, 2017
R.S.

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No