

CWP-COM No.65 of 2017

[1]

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

**CWP-COM No.65 of 2017
Date of decision:30.03.2017**

Narinder Pal Singh and others

...Petitioners

Versus

Oriental Bank of Commerce

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Suveer Sheokand, Advocate,
for the petitioners.

Rakesh Kumar Jain, J.

The petitioners initially availed Cash Credit Limit of ₹50 lacs from the respondent-bank, which was subsequently enhanced to the tune of ₹2 crores with an additional limit of ₹50 lacs for Machine Term Loan. The factory premises of the petitioners was raided by the Excise Department and it was sealed on 10.03.2015. However, it was de-sealed pursuant to an order passed by this Court on 26.03.2015 in CWP No.5072 of 2015. The account of the petitioners was declared as Non Performing Asset (NPA) on 31.12.2015 and notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "Act") was issued on 12.01.2016. Thereafter, the proceedings under Section 13(4) of the Act were also completed and possession of the mortgaged properties, i.e. factory premises and house of the petitioners, was taken over by the respondent-bank. The

mortgaged properties have now been put to auction by the respondent-bank vide notice dated 28.02.2017 and the auction is fixed for 31.03.2017. The petitioners have approached this Court just one day before the date of auction, stating that the petitioners have been meeting the respondent-bank for the purpose of staying the auction proceedings as they have arranged a better buyer.

During the course of hearing, the entire vehemence of the counsel for the petitioners is on the part of staying the auction proceedings as the petitioners have arranged a better buyer but he could not disclose any particulars of the said buyer, which is also conspicuous by its absence in the petition as well. It appears that the petitioners only wanted to gain time, otherwise had there been a better buyer with them, they would have definitely given the particulars of the said buyer in the petition or at least taken the Court into confidence in that regard but in the absence of any particulars regarding the better buyer, as alleged by the petitioners, the Court is not inclined to believe the petitioners.

Consequently, the present petition is hereby dismissed being denuded of any merit.

March 30, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No