IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10617-2018
Date of Decision: April 30, 2018

M/s Shree Balaji Copy Industries and another

.....Petitioners

Versus

Punjab National Bank and another

......Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. To be referred to the Reporters or not? Yes/No
2. Whether the judgment should be reported in the Digest? Yes/No.
3. Whether Reporters of local papers may be allowed to see the judgment? Yes/No

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Present: Mr.Aalok Jagga, Advocate for the petitioners.

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SURYA KANT, J.

The petitioners are borrowers, who are said to have set up a Small Scale Industrial Unit in the field of stationery. They availed 'cash credit limit' of ₹95 lacs and two term loans of ₹23 lacs and ₹17 lacs from the respondent-Punjab National Bank (for brevity,'the PNB'). Their loan account was classified as 'NPA" on 30.09.2017 and thereafter measures under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 have been taken. It appears that a sum of ₹1,58,01,297.75/- is recoverable from the petitioners. On the other hand, the grievance of the petitioners is that they had applied for restructuring of their loan account in terms of para 3.3 of the Policy i.e. 'Framework for Revival and Rehabilitation of Micro, Small and Medium Enterprises' dated 17.03.2016 issued by Reserve Bank of India. Earlier their request was turned down on the ground that the accounts had yet not been classified as 'NPA'.

[2] The aggrieved petitioners are said to have made representation on 06.12.2017 to the Designated Committee as well as the authorised officer of PNB, but their request has now been turned down vide reply dated 06.03.2018 on the plea that once their account has become 'NPA', the above mentioned RBI Policy does not apply.

[3] Having heard learned counsel for the petitioners it appears from the petitioners' allegations that there is self-contradiction in the stand taken by the Bank from time to time. In any case, whether the claim of the petitioners under the above-stated guidelines is required to be put up before the Designated Committee or not, requires re-consideration by the Bank authorities in the light of the decisions of this Court in CWP-19692-2017, decided on 31.08.2017 (**M/s Vishvas Tractors Limited and another vs Central Bank of India**), CWP-21519-2017, decided on 22.09.2017 (**M/s CCC Infrasys Pvt. Ltd. vs Punjab National Bank**) and CWP-18726-2017, decided on 12.12.2017 (**M/s Amrit Enterprises and another** vs **Corporation Bank and another**). We, thus, dispose of this writ petition without expressing any views on merits with a direction to the authorised Officer of the PNB to re-consider as to whether or not the claim of the petitioners to be put up before the Designated Committee in terms of the

cited decisions read with RBI Policy. Let an appropriate decision be taken within four weeks from the date of receipt of a certified copy of this order and till such time both the parties are directed to maintain status quo and not to create any third party rights.

(SURYA KANT)
JUDGE

April 30, 2018 **(SHEKHER DHAWAN)**
meenuss **JUDGE**

1. **Whether speaking/reasoned ? Yes/No**
2. **Whether reportable ? Yes/No**