

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

**CWP No. 11545 of 2018
Decided on : 08.10.2018**

Ram Gupta

... Petitioner(s)

Versus

ICICI Bank Limited and another

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

PRESENT: Mr. Aalok Jagga, Advocate and
Mr. Karanyog Singh Riar, Advocate
for the petitioner(s).

Mr. Sandeep Suri, Advocate and
Ms. Kriti Sharma, Advocate
for respondent No.1 – ICICI Bank Ltd.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *Certiorari*, for quashing of notice dated 30.05.2011 (Annexure P-6) and possession notice dated 23.03.2018 (Annexure P-12) issued by respondent No.1, under Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the Act'). Further, a writ of *Mandamus* has been sought for directing respondent No.1 to charge interest as applicable in the case of home loan, which has been sanctioned to the petitioner, instead of commercial interest as well as direction *qua* respondent No.2 has also been sought for initiating appropriate action against respondent No.1 for fleecing a consumer by deliberately and intentionally charging commercial rate of interest, inspite of the fact that documents of respondent No.1 itself show that it is a home loan.

2. After arguing for sometime, learned counsel for the petitioner states

that he may be allowed to withdraw the present writ petition with liberty to the

petitioner either to approach the respondent-Bank or take recourse to the alternative remedies as may be available to him, in accordance with law.

3. Dismissed as withdrawn. It shall, however, be open to the petitioner to take recourse to the remedies as may be available to him, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

October 08, 2018

J.Ram

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