

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

**CWP No. 14203 of 2018
Decided on : 31.10.2018**

M/s Pathways Creative and another

. . . Petitioner(s)

Versus

State Bank of India and others

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

PRESENT: Mr. Sandeep Wadhawan, Advocate
for the petitioner(s).

Mr. Gaurav Goel, Advocate
for respondents No.1 & 2 - Bank.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India, for setting aside the notice dated 12th May, 2018 (Annexure P-6), issued by the Executive Magistrate-cum-Naib Tehsildar – respondent No.3, directing the petitioner to vacate the shop premises in pursuance to possession notice dated 16.11.2017 (Annexure P-5) issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the Act').

2. Notice of motion was issued and interim protection was granted on payment of over-due amount within two weeks and on deposit of further installments on time.

3. It was not disputed by the learned counsel for the parties that the outstanding as well as the further installments are being paid regularly and account has been regularized. It was further stated that the installment for the month of October, 2018, has not been paid so far, whereupon, learned counsel for the petitioner submitted that the same shall be deposited within 10 days.

In view thereof, learned counsel for the parties submitted that the

present writ petition has been rendered infructuous and may be disposed of as such.

5. Ordered accordingly.

6. However, learned counsel for the petitioner submitted that in the 'statement of account' from 22nd May, 2018 to 30th October, 2018, furnished by the respondent-Bank, an amount of ₹ 2,81,147/- has been deducted from the account of the petitioner, on account of interest. A prayer was made that the respondent-Bank be directed to furnish the details of the same. Accordingly, it is directed that the respondent-Bank shall furnish the details of the amount deducted on account of interest from the account of the petitioner. However, it shall be open for the petitioner to file representation to the respondent-Bank assailing the levy of the interest. In case such a representation is filed by the petitioner, the same shall be decided by the respondent-Bank, after affording an opportunity of hearing to the petitioner and by passing a speaking order, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

October 31, 2018

J.Ram

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