

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

**CWP No. 15674 of 2018
Decided on : 02.07.2018**

M/s MRB Engineers and Contractors Pvt. Ltd. and others

... Petitioner(s)

Versus

Authorized Engineer, Canara Bank and others

... Respondent(s)

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

PRESENT: Mr. Diwan Sharma, Advocate
for the petitioner(s).

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

AJAY KUMAR MITTAL, A.C.J. (Oral)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking direction to the respondents to reconsider the revised OTS proposal dated 25.05.2018 of the petitioners in accordance with the Recovery/OTS Policy currently prevalent with the respondent Bank being a non-discretionary and non-discriminatory scheme framed by the Bank under the guidelines of Reserve Bank of India. Petitioners have also prayed for quashing of the order dated 03.01.2018 (Annexure P-5) passed by the District Magistrate, Panchkula, in SARFAESI Case No.110 of 22.12.2017, whereby, Tehsildar, Panchkula has been appointed as Duty Magistrate for maintenance of law and order during the possession of the mortgaged properties of the petitioners. Besides, a further prayer has also been made for quashing of the order dated 18.01.2018, passed by the Presiding Officer, DRT-II, Chandigarh, whereby, interim prayer for staying the order of the District Magistrate has been declined.

2. Learned counsel for the petitioners *inter alia* states that the petitioners are prepared to settle the amount under the One Time Settlement Scheme for

₹5,82,00,000/-. It was further stated that the petitioners are prepared to pay the 10% amount within seven days and 25% amount within one month thereafter to show their *bona fides*.

3. After arguing for sometime, learned counsel for the petitioners submitted that he may be allowed to withdraw the present writ petition with liberty to the petitioners to approach the Bank or the appropriate Forum.

4. Dismissed as withdrawn. It shall, however, be open to the petitioners to take recourse to the remedies as may be available to them, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

July 02, 2018

J.Ram

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