

112+113 **CWP No. 16364 of 2018**
CWP No. 16367 of 2018

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

CWP No.16364 of 2018
Decided on : 09.07.2018

Sandeep Singh

. . . Petitioner

Versus

Authorized Officer Bank of India and another

. . . Respondents

CWP No.16367 of 2018

Sandeep Singh

. . . Petitioner

Versus

Authorized Officer Punjab & Sind Bank and another

. . . Respondents

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

Present : Mr. Kunal Vinayak, Advocate
 for the petitioner.

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AVNEESH JHINGAN, J.

This order shall dispose of two petitions bearing **CWP No. 16364 of 2018** titled “**Sandeep Singh Vs. Authorized Officer Bank of India and another**” and **CWP No. 16367 of 2018** titled “**Sandeep Singh Vs. Authorized Officer Punjab & Sind Bank and another**” as in both the petitions, the petitioner has sought quashing of similar possession notices qua two different mortgaged properties.

2. These present two petitions have been filed with a prayer for quashing of the possession notices dated 20.09.2017 and 15.01.2018 issued under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'SARFAESI Act') for taking symbolic possession of the mortgaged

property i.e. building at H. No.I-3/147, Khasra No. 1352/7 Min, Khata Khatoni No. 976/1516 located at Abdai Guru Nagar, B/S Govt. Hospital Verka Road, Tehsil and District Amritsar and bearing Khasra No. 1760/2550, Khewat Khatouni No. 1352/7 Min as per Jamabandi for the year 2006-2007 situated at Abadi Guru Nagar, Verka Tehsil and District Amritsar respectively. In CWP No. 16364 of 2018, respondent No.1 is Authorized Officer of Bank of India and respondent No.2 is Bank of India, Hall Bazar, District Amritsar, whereas in CWP No. 16367 of 2018, respondent No.1 is Authorized Officer of Punjab and Sind Bank and respondent No.2 is Punjab & Sind Bank. Facts are being extracted from CWP No. 16364 of 2018.

3. The petitioner is a proprietor of proprietorship concern namely M/s Faqir Chand & Sons situated at house No.1-3/147, Abadi Guru Nagar, B/s Govt. Hospital Verka Road, Tehsil and District Amritsar. He availed cash credit limit of ₹ 20,00,000/- from respondent No.2 and the loan was sanctioned vide order dated 29.11.2011. In order to secure the loan, the above said two properties were mortgaged with the bank(s). The petitioner defaulted in repayment of loan amount and his account was declared as Non Performing Asset on 30.06.2016.

4. The banks served separate notices under Section 13(2) of the SARFAESI Act. Thereafter, notices dated 20.09.2017 and 15.01.2018 were issued under Section 13(4) of the SARFAESI Act. Aggrieved of the notices under Section 13(4) of the SARFAESI Act, the present petition has been filed. From the perusal of the notices, it is evident that the amount due from the petitioner is ₹ 23,26,165/87 as on 20.09.2017.

5. Inspite of the fact that the notices under Section 13(2) of the

SARFAESI Act were issued way back on 14.06.2017 and 10.07.2017, till date nothing has been placed on record to show that any amount was deposited for repayment of defaulted amount.

6. During the course of hearing, it was pin-pointedly enquired from learned counsel for the petitioner as to what amount the petitioner is ready to deposit. Petitioner showed his inability to deposit any amount. Petitioner is not ready to settle the dispute rather the entire endeavour is to prolong the matter. Except for a bald statement made in the petition that petitioner is willing to make the payment of entire loan amount due, the statement is not backed by actions of the petitioner. No amount has been offered by the petitioner to be deposited with the bank to show his bonafides. The petitions filed lacks bonafide.

7. In such circumstances, no interference is called for with the impugned notices in exercise of writ jurisdiction under Article 226 of the Constitution of India.

8. In view of above, both the writ petitions are dismissed.

[AJAY KUMAR MITTAL]
JUDGE

[AVNEESH JHINGAN]
JUDGE

09.07.2018
pankaj baweja

Whether speaking/reasoned ?
Whether reportable ?

Yes / No
Yes / No