In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 21750 of 2017

Date of Decision: 22.01.2018

M/s Ali Shah Bricks and Others

... Petitioner(s)

Versus

Punjab National Bank and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Kant.
Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Aalok Jagga, Advocate
for the petitioner(s).

Mr. Umang K. Khosla, Advocate
for respondent No.1.

Surya Kant, J.

The petitioners are aggrieved by the notice dated 13.04.2016 issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as "the Act") as well as the order dated 16.11.2016, passed by the District Magistrate, Ambala under Section 14 of the said Act for the purpose of taking over physical possession of the mortgaged properties.

The petitioners/borrowers have availed two loan facilities i.e. one term loan and the other cash credit limit facilities from the respondent-bank. The loan facilities were availed to set up a brick kiln industry in the year 2014. It appears that the petitioners could not run the unit and having suffered a set back, their both loan accounts were declared NPA on 8.4.2016, for on that date, they were required to pay the principal amount of Rs.7,96,841/- under the term loan account and a sum of Rs.16,72,767/- under the cash credit limit account. With the interest accruing thereupon, their total liability as on 30.9.2017 under both the loan accounts comes to

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Rs.10,42,418/- and Rs.20,90,382/- (Annexures R1 & R2), respectively. It may be true that the petitioners have made some deposits in the term loan account during the year 2016-17, but such deposits are too short for the regularization of loan accounts.

Meanwhile, the respondent-bank has also filed a recovery suit against the petitioners before the Debts Recovery Tribunal in which we are informed that they have been proceeded against *ex parte* and the said suit is now fixed for orders.

In the above stated situation, we are of the view that no effective relief can be granted by this Court, except to say that let the petitioners submit some genuine proposal to the respondent-bank within a period of one week which the bank may, regardless to the pendency of the suit before the Debts Recovery Tribunal, consider under the one time settlement scheme, if any. The offer shall be made for the purpose of regularization of the accounts. The bank will take the decision on the offer to be submitted by the petitioners within one month. Till such decision is taken, the possession of other secured assets may not be taken.

Disposed of.

(Surya Kant)
Judge

(Shekher Dhawan)
Judge

January 22, 2018
"DK"

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No

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