IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-21508-2018

Date of Decision: 28.8.2018

M/s Ishwar Steel Industries and others

....Petitioners.

Versus

State Bank of India and another

...Respondents.

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

PRESENT: Mr. P.S. Jammu, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of mandamus directing the respondents to release/return the mortgaged property documents and to issue 'No Dues Certificate'. Further, a direction has been sought to settle the account as the petitioners had deposited more than the liability amount.

2. The petitioners got sanctioned Cash Credit Limit/Loan facility and the total limit was ₹ 83 lakhs in the name of petitioner No.1. Petitioner No.3 had also availed the housing loan facility to the tune of ₹ 10 lakhs jointly with his father. Petitioner No.1 along with her father had mortgaged their immovable property with respondent No.2 as primary/collateral security. The Cash Credit Limit was got sanctioned in the year 2010 to the extent of ₹ 50 lakhs which was extended in the year 2011 to the extent of

₹ 33 lakhs. Petitioner No.1 has been regularly depositing the loan amount along with interest till the year 2013. However, in the year 2014, the petitioners failed to deposit the interest part regularly and the respondents vide letter dated 28.4.2015 termed the account as Non-Performing Asset (NPA). In the year 2014, the petitioners had deposited ₹ 29,50,000/- approximately and had also paid ₹ 69 lakhs during the pendency of earlier CWP-19406-2016. In the said writ petition, counsel for the respondent-Bank had made a statement that ₹ 14 lakhs were still outstanding and this Court vide order dated 11.7.2017 (Annexure P-1) disposed of the said writ petition with a direction to the petitioners to pay ₹ 14 lakhs within three months, i.e. first installment of ₹ 7 lakhs before 31.8.2017 and second installment of the same amount on or before 15.9.2017. However, the petitioners failed to comply with the said order and on receipt of a copy of the order, the petitioners immediately deposited ₹ 7 lakhs on 15.11.2017 and ₹ 8,14,136/-on 22.3.2018 as is clear from the bank statement dated 1.1.2016 (Annexure P-2). Accordingly, petitioner No.2 moved a representation dated 25.7.2018 (Annexure P-3) to respondent No.2 for issuance of 'No Dues Certificate' and to return the mortgaged documents, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, petitioner No.2 has sent a representation, dated 25.7.2018 (Annexure P-3) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take

a decision on the representation dated 25.7.2018 (Annexure P-3), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners or their authorized representative within a period of one month from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 28, 2018 **(AVNEESH JHINGAN)**
gbs **JUDGE**

Whether Speaking/Reasoned **Yes/No**

Whether Reportable **Yes/No**