

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

**CWP No. 22575 of 2018
Decided on : 10.09.2018**

Shruti Sharma and others

. . . Petitioner(s)

Versus

Debts Recovery Tribunal-II, Chandigarh and others

. . . Respondent(s)

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

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

AJAY KUMAR MITTAL, J. (Oral)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, seeking quashing of the impugned order dated 30.08.2018 (Annexure P-4), passed by respondent No.1, whereby, the application filed under Section 17 of the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (in short 'the Act') has been deferred for hearing, as the possession of the property is with the petitioner and the Bank has prematurely declared the account of the of the petitioner as “Non Performing Asset” (NPA) and issued notice for sale of the SOLE residential house on 31st July, 2018 (Annexure P-5), which is stated to be mis-utilized while trying to proceed against the property of the petitioners.

2. Learned counsel for the petitioners *inter alia* submitted that the application filed by the petitioners is pending before the Debts Recovery Tribunal. Accordingly, a prayer was made by the learned counsel for the petitioners that he may be allowed to withdraw the present writ petition with liberty to the petitioners to avail his remedies before the Debts Recovery Tribunal, in accordance with law.

3. Dismissed as withdrawn.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

September 10, 2018

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No