

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

**CWP No. 23906 of 2018
Decided on : 19.09.2018**

M/s Simran Industries and others

. . . Petitioner(s)

Versus

Authorized Officer, Oriental Bank of Commerce and others

. . . Respondent(s)

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

PRESENT: Mr. N.S. Dadwal, 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 a writ in the nature of *Certiorari*, for setting aside the sale certificate dated 28th March, 2018 (Annexure P-12), notice dated 13.04.2017 (Annexure P-5), issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act') and possession notice dated 07th September, 2017 (Annexure P-6), issued by the respondent Bank and all the subsequent proceedings arising therefrom keeping in view the fact that the petitioners are ready to deposit 50% of the total loan amount with the respondent-Bank. Further, a writ of *Mandamus* has been sought for directing the respondent-Bank to take action on the complaint dated 23.04.2018 (Annexure P-7) and stay dispossession of the petitioners from two plots mentioned in the sale-deeds dated 05.07.2013 & 09.11.2012 (appended as Annexures P-1 & P-2, respectively).

2. After arguing for sometime, learned counsel for the petitioners submitted that since the action/order of the respondent-Bank, which is impugned

in the present writ petition, recourse is available to the petitioner under Section 17

of the Act before the Debts Recovery Tribunal. It was, thus, prayed that he may be allowed to withdraw the present writ petition with liberty to the petitioners to avail the aforesaid alternative remedy 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 Dismissed as withdrawn.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 19, 2018
J.Ram

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