

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27093-2018
Date of decision: 12.11.2018

M/s Shiv Kirpa Pesticides
through its proprietors & ors.

.... Petitioners

Versus

State Bank of India

.... Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. A.P.Kaushal, Advocate
for the petitioners.

Ajay Kumar Mittal, J.(Oral)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for setting aside the Notice dated 01.09.2017 issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred as 'Act, 2002) and possession notice dated 04.09.2018 (Annexure P-4) issued under Rule 8 and 9 of Section 13(4) of the Act, 2002 being illegally and arbitrary.

2. Mr. Gaurav Goel, Advocate has put in appearance on behalf of the respondent and filed power of attorney in Court, which is taken on record.

3. Learned counsel for the petitioners submitted that the petitioners are ready to discharge the outstanding liability and prayed that the liberty be granted to the petitioners to file a detailed and comprehensive representation. However, a direction may be issued to the concerned authority to decide the same in a time bound manner for regularisation/clearance of the loan account.

4. After hearing learned counsel for the parties, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the petitioners to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioners within a period of 15 days from the date of receipt of the certified copy of the order, the same shall be decided by the respondent in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of next one month from the date of receipt of the representation.

(AJAY KUMAR MITTAL)
JUDGE

12.11.2018
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No