

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

CWP-27098-2018

Decided on: 05.12.2018

Minakshi Khipal

... Petitioner

Versus

District Magistrate Barnala and others

..... Respondents

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

Present: Mr. Atul Sharma, Advocate
for the petitioner.

Mr. Deepak Jain, Advocate
for the respondent.

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 quashing the impugned actions of the respondent No.2-Bank.

2. Learned counsel for the petitioner submitted that in view of the order dated 07.10.2016 (Annexure P-2) passed by this Court in CWP No.21326 of 2016, the petitioner-borrower had approached the Debts Recovery Tribunal (in short 'Tribunal') and the Tribunal dismissed the Securitization Application on the ground that it has no power to condone the delay under Section 5 of the Limitation Act relying upon decisions of the Apex Court in “**International Asset Reconstruction Co. of India Ltd. vs. The Official Liquidator of Aldrich Pharmaceuticals Ltd. & Ors.**” and “**Iridum India Telecom Ltd. vs. Doha Bank QSC and another.**”

3. Learned counsel for the petitioner further submitted that inadvertently the challenge could not be made to the order dated 28.04.2018 (Annexure P-3) in the present writ petition.

4. Accordingly, learned counsel for the petitioner submitted that he may be allowed to withdraw the present petition with liberty to the petitioner to challenge the order dated 28.04.2018 (Annexure P-3) passed by the Tribunal or to avail the alternative remedies as are available to him in accordance with law.

5. Dismissed as withdrawn. However, it shall be open to the petitioner to take recourse to the remedies as may be, available to him, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

05.12.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No