

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-28922-2018

Date of Decision: 15.11.2018

Canara Bank

...Petitioner

Versus

State of Haryana and others

...Respondents

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

PRESENT: Mr. Arvind Rajotia, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ of mandamus directing respondent No.2 to decide the application dated 6.7.2018 (Annexure P-2) moved by the petitioner under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short “the SARFAESI Act”).

2. Respondent No.3 requested the petitioner for OCC/ODBD of ₹ 70 lakhs. The said limit was sanctioned to respondent No.3 and respondent No.4 stood as mortgagor against the aforesaid facility. Since, respondent No.3 failed to maintain the financial discipline, its account was declared NPA on 16.12.2011. A notice dated 10.1.2018 (Annexure P-1) under Section 13(2) of the SARFAESI Act was issued to respondent No.3 for the payment of default amount. Thereafter, an application dated

6.7.2018 (Annexure P-2) under Section 14 of the SARFAESI Act was sent to respondent No.2 for taking physical possession of the mortgaged property, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved an application dated 6.7.2018 (Annexure P-2) under Section 14 of the SARFAESI Act before respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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 application dated 6.7.2018 (Annexure P-2), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the concerned parties within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

November 15, 2018
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No