

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

CWP-30398-2018
Date of decision: 03.12.2018

Ms. Simrat Sharma & ors.

.... Petitioners

Versus

Central Bank of India

.... Respondent

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

Present: Mr. Sandeep Suri, Advocate
for the petitioners.

Mr. Ravi Sharma, Advocate
for the respondent.

Ajay Kumar Mittal, J.(Oral)

Petitioners have approached this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari and for declaration to the respondent to forthwith withdraw or cancel the operation of letter dated 03.11.2018 (Annexure P-8) thereby stating that the auction vide publication dated 21.08.2018 (Annexure P-1) stands cancelled and for stay of auction notice dated (Annexure P-7).

2. On 30.11.2018, learned counsel for the petitioners had restricted his prayer to the extent that an amount of ₹ 6,54,000/-, which was deposited as 10% earnest money in the earlier auction held on 26.09.2018 be taken as earnest money in the auction scheduled for 04.12.2018. Accordingly, notice of motion was issued for today i.e. 03.12.2018.

3. Upon notice, learned counsel for the respondent along with Ms. Sneha Mirchandani, Branch Manager, Sector 15-C, Chandigarh has put in appearance.

4. It was not disputed that a communication dated 28.11.2018 had been addressed to petitioner No.1 by the respondent-bank intimating that she can receive the earnest money amounting to ₹ 6,31,371/- from the respondent-bank after deduction of ₹ 22,629/- being bill amount of newspaper publication charges and e-auction charges from the amount of ₹ 6,54,000/- incurred for the auction, which was conducted on 26.09.2018. The said communication is taken on record.

5. In view of the above, the present petition is disposed of in view of consensus between the parties that the petitioner shall not withdraw the balance amount i.e ₹ 6,31,371/- and shall be considered as a participant in the e-auction to be held on 04.12.2018. In case, the petitioner does not succeed in the auction, the respondent-bank shall refund the balance amount within a period of 7 days in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

03.12.2018
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No