

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-31091-2018

Date of Decision: 7.12.2018

Parveen Jindal and another

...Petitioners

Versus

ICICI Bank Limited and another

...Respondents

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

PRESENT: Mr. Rose Gupta, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ of mandamus directing respondent No.2 to decide their representation dated 9.10.2018 (Annexure P-4 Colly).

2. In the year 2011, the petitioners jointly availed facility of loan/ Credit Facility from Reliance Home Finance Private Ltd., amounting to ₹ 1,00,00,000/- for purchasing some property. They availed another Credit Facility of ₹ 25,00,000/- from Reliance Home Finance Private Ltd. on 31.8.2011. After availing the aforesaid Credit Facility, the petitioners in October, 2012 approached respondent No.2 for availing some more loan and loan of ₹ 26,00,000/- was sanctioned to the petitioners vide sanction letter dated 26.10.2012 (Annexure P-1). Since the petitioners had failed to repay the loan amount, their accounts were declared NPA and a notice dated 12.2.2018 was issued by respondent No.2 for the payment of loan amount, but to no effect. Another notice dated 27.4.2018 (Annexure P-2) under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short "the SARFAESI

Act”) was issued to the petitioners for the payment of ₹ 1,30,93,599/-. Thereafter, possession notice dated 17.7.2018 (Annexure P-3) under Section 13(4) of the SARFAESI Act was issued to the petitioners for possession of the mortgaged property. Accordingly, the petitioners moved a representation dated 9.10.2018 followed by a reminder dated 1.11.2018 and the draft dated 5.10.2018 (Annexure P-4 Colly) to respondent No.2 for settlement of all the three loan accounts, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 9.10.2018 followed by a reminder dated 1.11.2018 and the draft dated 5.10.2018 (Annexure P-4 Colly) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, 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 representation dated 9.10.2018 followed by a reminder dated 1.11.2018 (Annexure P-4 Colly), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

December 7, 2018
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(MANJARI NEHRU KAUL)
JUDGE