

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.3485 of 2018

Date of Decision: February 15, 2018

M/s Maxx Metals Pvt. Ltd and others

.....Petitioners

versus

Indian Overseas Bank, Faridabad and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Aalok Jagga, Advocate, for the petitioners.

Mr.C.S.Pasricha, Advocate, for the caveator-respondent.

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Surya Kant, J. (Oral)

The petitioners submitted a rehabilitation proposal within the framework of 'Revival and Rehabilitation of Micro, Small and Medium Enterprises'. The said proposal was submitted in terms of Reserve Bank of India's guidelines dated 17.03.2016. The Designated Committee vide a self-speaking order dated 24.11.2017 (P-21) turned down the petitioners' proposal being not viable.

One of the grievance in the instant writ petition is that the Designated Committee ought to have heard the petitioners in representative capacity before taking any decision as during the course of such hearing, the petitioners would have given an alternative proposal.

We have heard learned counsel for the parties as the respondent-bank is on caveat.

Though we do not find any illegality in the decision taken by the Designated Committee (P-21), nevertheless, with a view to give an opportunity to the petitioners to submit some other alternative viable proposal, it is directed that the petitioners may submit such proposal to the

Designated Committee within one week from today and let the Committee, independently of its previous decision, objectively consider the fresh proposal and may also hear the petitioners in representative capacity before taking any decision. In case the Designated Committee does not accept the petitioners' proposal, the bank shall be at liberty to take-over physical possession of the secured assets in accordance with law and in terms of the order already passed by the District Magistrate under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

[SURYA KANT]
JUDGE

February 15, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No