HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-3856-2018
Date of Decision: February 19, 2018

M/s Deepak Rice and General Mills

.....Petitioner

Versus

Canara Bank and another

......Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN

1.	**To be referred to the Reporters or not?**	**Yes/No**
2.	**Whether the judgment should be reported in the Digest?**	**Yes/No.**
3.	**Whether Reporters of local papers may be allowed to see the judgment?**	**Yes/No**

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Present: Mr.Vaibhav Parashar, Advocate for the petitioner.

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SURYA KANT, J.

The petitioner is a partnership firm which runs a Rice Mill and has availed loan facility from the respondents-Bank. As the petitioner failed to pay the due installments, its account was classified as 'NPA' and the Bank has taken measures under Section 13 read with Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the SARFAESI Act'). The total liability of petitioner on 12.01.2016 was ₹2,03,73,753.00/-. Alongwith future interest, the due amount as on date is obviously much more. The Bank has, as a last resort, put the petitioner's secured assets on E-auction which is scheduled to be held on 26.02.2018. The petitioner, at this juncture, claims that it is ready to pay over-due amount and alternatively is also ready to clear the entire loan amount save that some reasonable time is granted to sell other properties owned by the petitioner-firm. In our considered view, the appropriate recourse for the petitioner is to submit a viable proposal to the respondent-Bank alongwith some upfront amount and show its *bona fide* to the satisfaction of the bank-authorities.

[2] The writ petition is, thus, disposed of with liberty to the petitioner to submit a proposal before 26.02.2018 alongwith upfront amount of not less than ₹10.00 lacs alongwith a time schedule within which the petitioner is ready and willing to pay the loan amount. In case the respondents-Bank is apparently satisfied with the offer to be made by the petitioner, the sale may not be confirmed till an appropriate decision is taken on the petitioner's proposal.

(SURYA KANT)
JUDGE

February 19, 2018 **(SHEKHER DHAWAN)**
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1. **Whether speaking/reasoned ?** **Yes/No**
2. **Whether reportable ?** **Yes/No**