

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.4119 of 2018
Date of Decision: 21.02.2018

M/s HDB Financial Services Ltd.

...Petitioner

VS.

Additional Deputy Commissioner, Khanna & Ors.

... Respondents

Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Shekher Dhawan

Present: Mr. Vipul Dharmani, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) Notice of motion. On our asking, Mr. Ankur Mittal, Addl. AG Haryana accepts notice on behalf of respondent No.1. Let a copy of the writ petition be handed over to State counsel during the course of day. Since no order on merits prejudicial to the interest of the private respondents is proposed to be passed, there is no necessity to issue notice to respondents No.2 to 12 or call upon them to file their reply(ies), at this stage.

(2) The petitioner is a secured creditor within the meaning of Section 2(1)(zd) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. It claims to have advanced business loan to private respondents No.2 to 12 to the tune of ₹ 2 crores in the year 2013. It is alleged that the private respondents failed to maintain the financial discipline due to which their account was classified as NPA and notices under Sections 13(2) & 13(4) of the 2002 Act were issued demanding payment of outstanding dues of ₹ 2,37,08,057/-. Thereafter, the petitioner-financial institution has applied under Section 14 of the 2002 Act on 14.06.2017 before the Additional Deputy Commissioner, Khanna exercising the powers of District Magistrate, to provide assistance for taking

physical possession of the secured assets. In the instant writ petition, the sole grievance of the petitioner is that the above-stated application is being repeatedly adjourned without any rhyme or reason and is not being decided by the District Magistrate, Khanna though sufficient time has passed.

(3) Having heard learned counsel for the petitioner and learned State counsel, the writ petition is disposed of without expressing any views on merits with a direction to the Additional Deputy Commissioner, Khanna exercising the powers of District Magistrate to decide the application filed by the petitioner under Section 14 of the 2002 Act in accordance with law within a period of one month from the date of receipt of certified copy of this order.

(4) Ordered accordingly.

(Surya Kant)
Judge

21.02.2018
vishal shonkar

(Shekher Dhawan)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No