

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.6429 of 2018.

Date of Decision: March 15, 2018

Vipin Singla and others

.....Petitioners

versus

The Authorized Officer, Aditya Birla Housing Finance Limited and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Sahil Khunger, Advocate, for the petitioners.

Mr.Sanjeev Singh, Advocate, for respondent Nos.1&2.

-. -

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Sanjeev Singh, Advocate, accepts notice on behalf of respondent Nos.1 & 2.

Let two copies of the writ petition be handed-over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

The matter regarding recovery of loan amount from the petitioners was settled by the Debts Recovery Tribunal-II, Chandigarh by an order dated 26.09.2017 (P-9). There arose some dispute regarding rate of interest being levied by the respondent-financial institution allegedly in violation of the said order of the Debts Recovery Tribunal-II. The petitioner-borrowers thus moved an application seeking a direction to the

respondent-bank to comply with the order dated 26.09.2017 of the Debts Recovery Tribunal-II, Chandigarh. The said application has been dismissed in a totally casual manner without even examining as to whether the interest levied by the bank is in conformity with the order passed by Debts Recovery Tribunal-II.

We thus set-aside the order dated 20.02.2018 (P-12) with a direction to the Debts Recovery Tribunal-II, Chandigarh to pass a fresh reasoned order after taking reply from the respondent-bank.

The writ petition stands disposed of accordingly.

The parties are directed to appear before the Tribunal on 22.03.2018.

[SURYA KANT]
JUDGE

March 15, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

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