

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.6763 of 2018.

Date of Decision: March 19, 2018

M/s Shree Sidhivinayak Educational Trust, BilaspurPetitioner
versus
Oriental Bank of Commerce and othersRespondents

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

Present: Mr.Munish Mittal, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The question which arises for consideration in this case is whether the respondent-Oriental Bank of Commerce is entitled to levy 'taking-over charges'/'foreclosure charges' on the petitioner-borrower and whether the HDFC Bank is justified to levy 2% penal interest on account of non-deposit of title deeds by the petitioner-borrower which are lying with the Oriental Bank of Commerce. The grievance of the petitioner appears to be that despite payment of the loan amount alongwith admissible charges, both the banks are harassing it by levying unwarranted charges and for this reason alone the title deeds are also withheld without issuing any no dues certificate.

We have heard learned counsel for the petitioner.

It appears that the factual issues sought to be raised by the petitioner are required to be adjudicated on the basis of terms and conditions of the loan agreement. Consequently and as prayed for, we grant liberty to the petitioner to approach the Debts Recovery Tribunal who in turn is

directed to entertain the petition on merits and decide the issues, some of

which are mentioned above, in a time bound manner and preferably within a period of six months from the date of receiving a certified copy of this order.

The writ petition stands disposed of accordingly.

Dasti.

[SURYA KANT]
JUDGE

March 19, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

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