

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-704-2018

Date of Decision: January 16, 2018

M/s Reliance Capital Limited

.....Petitioner

Versus

District Magistrate and others

.....Respondents

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

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| 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.Nakul Sharma, Advocate for the petitioner.

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SURYA KANT, J.

Notice of motion.

[2] On our asking, Mr.Ankur Mittal, Additional Advocate General, Haryana, alongwith Mr.Manoj Dhankhar, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent No.1. Let a copy of the paper-book be handed over to him during the course of day.

[3] In view of the nature of the order, which we propose to pass, there is no need to seek any reply-affidavit from the official respondents or to serve respondent Nos.2 & 3 at this stage as no order prejudicial to their interest is being passed.

[4] The petitioner is a financial company and is duly registered as a 'Securitization-cum-Reconstruction Company' under Section 3 of the

Security Interest Act, 2002 (for brevity, 'the SARFAESI Act'). The petitioner advanced loan of ₹3.50 crores to respondent Nos.2 and 3 in two different loan accounts. However, their alleged failure to pay the due installments led to declaring their accounts as 'NPA' and consequential action under Section 13(2) of the SARFAESI Act. The petitioner has thereafter filed an application under Section 14 of the SARFAESI Act before the District Magistrate, Gurugram in February 2017 (Annexure P4). Its grievance is that almost a year has passed but the District Magistrate, Gurugram is sitting over the application and no order has been passed to take physical possession of the mortgaged/secured asset.

[5] Having heard learned counsel for the parties and keeping in view the fact that the District Magistrate is required to pass an order under Section 14 of the SARFAESI Act within a period of one month or so but without expressing any views on merit as we have not heard the borrower-respondents at this stage, the writ petition is disposed of with a direction to the District Magistrate, Gurugram, to decide the application filed by the petitioner under Section 14(2) of the SARFAESI Act within a period of one month from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

January 16, 2018
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(SHEKHER DHAWAN)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |