

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7214-2018

Date of Decision: March 22, 2018

Punjab National Bank

.....Petitioner

Versus

State of Punjab 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.R.S.Bhatia, Advocate for the petitioner.

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SURYA KANT, J.

Notice of motion to respondent Nos.1 and 2 only.

[2] On our asking, Mr.Sahil Sharma, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent Nos.1 and 2. Let two sets of paper-book be handed over to him during the course of day.

[3] It is not necessary to call upon respondent Nos.3 to 8, who are borrowers, mortgagors and guarantors at this stage, as no order prejudicial to their interest is being passed on merits.

[4] Case of the petitioner-Bank is that the respondent-borrower allegedly committed a default in payment of loan amount, hence its account was classified as 'NPA' and measures under Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest

Act, 2002 (for brevity, 'the SARFAESI Act') have been taken. Thereafter,

the Bank applied the District Magistrate, Gurdaspur under Section 14 of the SARFAESI Act to provide assistance for taking over physical possession of the secured asset, the details whereof are mentioned in para 6 of the writ petition. The application was filed on 01.05.2017. It is alleged that despite the statutory mandate to decide such application within one month, the District Magistrate, Gurdaspur, has repeatedly adjourned the same on 11 occasions and no final order has been passed till date.

[5] Having heard learned counsel for the petitioner and learned State counsel and without expressing any views on merits, this writ petition is disposed of with a direction to District Magistrate, Gurdaspur, to decide the application filed by the Bank under Section 14 of the SARFAESI Act in accordance with law within a period of one month from the date of receipt of a certified copy of this order.

**(SURYA KANT)
JUDGE**

March 22, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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