

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

CWP No.7530 of 2018 (O&M)

Date of Decision: 30.04.2018

M/s Volga Motor Traders & Ors.

...Petitioners

VS.

State Bank of India

... Respondent

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

Present: Mr. Rohit Suri, Advocate for the petitioners
Mr. Gaurav Goel, Advocate for the respondent

SURYA KANT J. (Oral)

- (1) Written statement filed by the respondent is taken on record.
- (2) Learned counsel for the petitioners states that since the Bank is insisting for compliance of the subsequent OTS dated 09.01.2018 instead of honoring the earlier OTS dated 11.09.2017 (P7), the petitioner may be permitted to withdraw the writ petition with liberty to approach the DRT for adjudication of the above-stated issue.
- (3) Ordered accordingly.
- (4) It is directed that *status quo re*: physical possession of the secured assets be maintained for a period of four weeks to meanwhile enable the petitioners to approach the DRT. Further in view of the categorical stand taken by the petitioners that non-compliance of the earlier OTS dated 11.09.2017 has not been conveyed to them till date, the objection of claim being barred by limitation be considered as per such factual plea. We have no reason to doubt that keeping this factual aspect in view, petitioners' prayer for entertaining the SA within time and/or for condonation of delay shall be considered sympathetically.

**(Surya Kant)
Judge**

30.04.2018

vishal shonkar

**(Shekher Dhawan)
Judge**

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

**Yes
No**