

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

**CWP No. 8338 of 2018  
Decided on : 03.12.2018**

M/s Durga Hatchery Breeding & Poultry Farm and others

... Petitioner(s)

Versus

Bank of India and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL  
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**PRESENT:** Mr. L.R. Sharma, Advocate  
for the petitioner(s).

Mr. Anil Malhotra, Advocate  
for the respondent-Bank.

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**AJAY KUMAR MITTAL, J. (Oral)**

The petitioners have approached this Court under Articles 226/227 of the Constitution of India, for setting aside the proceedings initiated under the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the SARFAESI Act, 2002'), particularly notices dated 15.02.2017, 20.06.2017 and 16.07.2017 (appended as Annexures P-5, P-6 & P-8, respectively) and all consequential proceedings including sale of the property measuring 37 Kanal 16 Marla in Khewat No. 162/143, Khatoni No. 172, Rect. No. 41, Killa No. 15 (8-0), 16 (8-0), Rect. No. 42, Killa No. 11 (8-0), 12 (3-18), 19 (1-18), 20 (8-0) in Kittas in the name of Ram Mehar son of Sh. Durga Ram at village Karsindhu, Tehsil Saffidon, District Jind. Further prayers have been made for issuing directions to respondents No.3 & 4 not to take the possession of the property and also respondents No.1 & 2 not to alienate the property till the decision of the case. Besides above, certain other prayers have also been made.

2. It was not disputed by the learned counsel for the parties that during the pendency of the writ petition, the petitioners have deposited the entire outstanding amount. However, learned counsel for the respondent-Bank

submitted that the auction purchaser had deposited a sum of ₹ 2.00 Crores in pursuance to the auction proceedings and the said amount has remained with the Bank for three months. It was claimed that the petitioners are liable to pay the interest amount, which would be payable to the auction purchaser for the aforesaid period.

3. After hearing learned counsel for the parties, perusing the averments made in the writ petition, more particularly that during the pendency of the writ petition, the petitioners claim to have cleared the entire outstanding amount, therefore, without expressing any opinion on the merits of the controversy, we dispose of the present writ petition by permitting the petitioners to file a detailed and comprehensive representation before respondent No.1 - Bank, laying claim as sought to be raised in the present writ petition including the release of the property, within a period of one month from the date of receipt of certified copy of this order. It is, however, clarified that in case such a representation is filed, the same shall be decided by respondent No.1 – Bank including regarding claim of interest by the auction purchaser within a period of next one month, by passing a speaking order and after affording an opportunity of hearing to the concerned parties, in accordance with law.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**December 03, 2018**

*J.Ram*

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