

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

CWP No.859 of 2018

Date of Decision: 17.01.2018

M/s Maxx Metals Pvt.Ltd. & Ors.

...Petitioners

VS.

State Bank of India & Ors.

... Respondents

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

Present: Mr. Aalok Jagga, Advocate for the petitioners

Mr. CS Pasricha, Advocate for the respondents with
Mr. Bal Mukund Parshad, Chief Manager and
Mr. Kamaljit Sharma, Sr.Manager

SURYA KANT J. (Oral)

(1) Notice of motion. On our asking, Mr. CS Pasricha, Advocate who is on caveat, accepts notice on behalf of the respondent-Bank as also on behalf of respondent No.2 and Mr. Ankur Mittal, Addl. AG Haryana accepts notice on behalf of respondent No.3. Let requisite copies of the writ petition be handed over to both the counsel-opposite during the course of day.

(2) The short grievance of the petitioner-borrower in the instant writ petition is that its proposal for revival and resettlement submitted pursuant to RBI guidelines dated 17.03.2016 is not being put up before the Designated Committee by the respondent-Bank. Reliance is placed on a decision of this Court dated 31.08.2017 passed in **CWP No.19692 of 2017 (M/s Vishvas Tractors Limited and another vs. Central Bank of India)** (P17) where in similar circumstances, the Bank was directed to put up the matter before the Designated Committee after submission of complete information by the writ petitioner.

(3) In the instant writ petition, Mr. Pasricha states that the Bank has no objection in putting up the matter before the Committee but he highlights

the conduct of the petitioner to suggest that he is gaining time by approaching one or the other forum with a view to stall the lawful recovery process.

(4) Be that as it may, since the petitioner has placed reliance on the Scheme notified by RBI known as the “Framework for Revival and Rehabilitation of Micro, Small and Medium Enterprises (MSMEs) dated 17.03.2016”, we deem it appropriate to dispose of this writ petition with a direction to the respondent-Bank to put up the petitioner’s proposal before the said Committee within one week, if already not put up.

(5) The Designated Committee will take its decision on the proposal within three weeks if no decision has already been taken. However, if the matter has already been decided by the Designated Committee, its decision may be communicated to the petitioner immediately.

(6) It may also be noticed that the petitioner has already approached the DRT-II, Chandigarh in SA No.870 of 2017 and has applied for *ad interim* stay. This application is now listed on 22.01.2018. It is thus directed that let *status quo re*: dispossession be maintained till 22.01.2018 when the matter is to be taken up by DRT-II, Chandigarh for final disposal. Let reply, if any, be filed well in advance to enable the DRT to decide the matter on the date fixed.

(7) Disposed of. **Dasti.**

(Surya Kant)
Judge

17.01.2018
vishal shonkar

(Shekher Dhawan)
Judge

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

Yes
No