

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.31483 of 2018
Date of Decision : 20.12.2018

M/s Shree Balaji Rice Mills

. . . Petitioner

versus

District Magistrate, Ambala and another

. . . Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present : Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. Ayuwan Singh, AAG, Haryana.

AJAY KUMAR MITTAL, J. (ORAL)

1. Mr. Ravi Sharma, Advocate puts in appearance and has filed *vakalatnama* on behalf of respondent No.2 today in the Court. Same is taken on record.

2. The instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus to the respondents for framing transparent and subjective guidelines/procedure to be adopted by the financial institutions for declaring the assets as Non Performing Assets and a writ in the nature of certiorari for setting aside the order dated 25.09.2018 (Annexure P-7) issued under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (54 of 2002).

3. Learned counsel for the petitioner submitted that he may be permitted to withdraw the present petition since the petitioner has not approached the respondent-Bank at the first stage. However, a prayer was

made that he may be permitted to file a detailed and comprehensive representation with the respondent-Bank. He further prayed that a direction be issued to the respondent-Bank to decide the same in a time bound manner in accordance with law.

4. Learned counsel for respondent No.2 submitted that though a representation shall be considered but since more than ₹10,00,000/- are due from the petitioner, the petitioner be required to deposit that amount along with the representation. It is further argued that in case the petitioner deposits a draft of ₹10,00,000/- along with the representation, the respondent-Bank shall consider the same within a period of 15 days.

6. After hearing learned counsel for the parties, perusing the writ petition and without going into the merits of the controversy, we dispose of the present writ petition by permitting the petitioner to file a detailed and comprehensive representation to respondent No.2 within a period of 15 days. It is however directed that in case draft of ₹10,00,000/- along with the representation is filed, the respondent-Bank shall decide the representation within a period of next 15 days from the date of its receipt, by passing a speaking order and after affording an opportunity of hearing to the petitioner, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

December 20, 2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No