

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6889-2019

Date of Decision: 14.3.2019

M/s Classic Industries and another

...Petitioners

Versus

Union of India and others

...Respondents

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

PRESENT: Mr. S.R. Hooda, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ of mandamus directing respondents No.2 to 4 to grant benefits of Special Scheme for One Time Settlement of NPAs-2018 (Annexure P-5) of Punjab National Bank. Further, a direction has been sought to the respondents not to sell the immovable properties of the petitioners mentioned in the notices (Annexures P-1 and P-2, respectively).

2. The petitioners availed various credit facilities from respondent No.4 as mentioned in para 2 of the writ petition. They had defaulted in repayment of outstanding dues and, therefore, their accounts were declared as Non-Performing Account (NPA) on 31.3.2015. The notices dated 9.4.2015 (Annexure P-1 Colly) under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security

petitioners raising a demand of ₹ 1,05,37,102/-. Since, they failed to make the loan amount in question, the petitioner took possession of the collateral securities vide notices dated 21.9.2015 and 29.12.2015 (Annexure P-2 Colly) under Section 13(4) of the SARFAESI Act. The Reserve Bank of India issued a Master Circular dated 1.7.2015 (Annexure P-3) on Willful Defaulter applicable to all Scheduled Commercial Banks and all India Notified Financial Institution. As per the said Circular, the petitioners cannot be termed as Willful Defaulter. The Reserve Bank of India issued One Time Settlement Policy (Annexure P-4) in September, 2015 and the petitioners fall within the parameters of the said Policy. Further, the Punjab National Bank issued Special Scheme for One Time Settlement of NPAs-2018 on 15.6.2018 (Annexure P-5). Accordingly, the petitioners applied for One Time Settlement of NPAs vide representation dated 13.8.2018 (Annexure P-6) before respondents No.2 and 3, but to no effect. Thereafter, the reminders dated 1.10.2018, 18.10.2018 and 15.11.2018 (Annexures P-7 to P-9, respectively) were sent to respondents No.2 and 3, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have moved a representation dated 13.8.2018 (Annexure P-6) followed by the reminders dated 1.10.2018, 18.10.2018 and 15.11.2018 (Annexures P-7 to P-9, respectively) to respondents No.2 and 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the representation dated 13.8.2018 (Annexure P-6) followed

by the reminders dated 1.10.2018, 18.10.2018 and 15.11.2018 (Annexures P-7 to P-9, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of one month from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 14, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No