

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

**CWP-5566-2019**

**Decided on: 01.03.2019**

**M/s. Dashmesh Submersibles and Services and another... Petitioners**

**Versus**

**Oriental Bank of Commerce and another**

**..... Respondents**

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

Present: Mr. Birender Singh Rana, Sr. Advocate with  
Ms. Divya Bajaj, Advocate  
for the petitioners.

Mr. Anil K. Ahuja, 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, inter alia, is for quashing the order dated 04.12.2018 (Annexure P-2) passed by the District Magistrate, Jind and notice dated 22.11.2018 (Annexure P-4) for sale of immovable property.

2. A perusal of the writ petition shows that petitioners had earlier approached this Court seeking quashing the sale deed by way of filing CWP No.38088 of 2018, which was dismissed as withdrawn on 21.12.2018 with liberty to the petitioners to approach the bank at the first instance or to avail alternative remedies as are available to them, in accordance with law.

3. It was urged that the petitioners thereafter approached the bank on 21.12.2018 by way of representation (Annexure P-7) pointing out that the Cash Credit Limit (CC Limit) in respect of which the account had been declared Non-Performing Asset (NPA), the CC Limit

was below the sanctioned limit of ₹14.50 lakhs and the account of the petitioners was regular. It was also contended that the said representation is not being decided, whereas proceedings have been initiated by the bank for taking possession of the secured asset under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

4. After hearing learned counsel for the petitioners and without going into the merits of the controversy, we dispose of the present writ petition by directing the respondent-bank to take a decision on the representation dated 21.12.2018 (Annexure P-7) by passing a speaking order after affording an opportunity of hearing to the petitioners within a period of one week from the date of receipt of certified copy of order, in accordance with law.

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

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

**01.03.2019**

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No