

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

213

CWP-5603-2019

Date of Decision: 22.08.2019

M/s Khela Bricks Kiln

.....Petitioner

Versus

State Bank of India

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Rakesh Gupta, Advocate
for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has challenged the order dated 27.12.2018 vide which the respondent-Bank has refused to upgrade the account of the petitioner from NPA to standard asset and the possession notice dated 29.12.2018 issued to take over physical possession of the mortgaged property.

Notice of motion was issued.

The respondent-Bank has filed reply in which it is averred that the petitioner had given undertaking to the Bank on 15.04.2019 that they would arrange another surety within a period of three months but in spite of that undertaking, they have neither brought a new guarantee nor have they paid the outstanding dues.

Learned counsel for the petitioner, on instructions of the petitioner who is present in Court, has submitted that instead of three months, he would provide the guarantee/surety within a period of two

months from today and in case it is not done, the respondent-Bank may continue the proceedings already initiated under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act').

In view of the aforesaid understanding between the parties, the present petition is hereby disposed of with a direction that in case, the petitioner makes an arrangement of the guarantee/surety and also regularize the account within a period of two months from the date of passing of this order then the Bank shall not take any coercive steps otherwise in case of the failure on the part of the petitioner, the respondent-Bank shall be free to continue the proceedings already initiated under the Act.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

22.08.2019
Kothiyal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No