

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11332-2019

Date of Decision: 1.5.2019

Punjab National Bank

...Petitioner

Versus

State of Punjab and others

...Respondents

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

PRESENT: Mr. R.S. Bhatia, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ of mandamus directing respondent No.2 to decide the applications dated 18.8.2018, 7.2.2019 and 20.3.2019 (Annexures P-2, P-6 and P-7, respectively) moved by the petitioner under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short “the SARFAESI Act”).

2. The petitioner advanced loan to respondent No.3. Since respondent No.3 had failed to repay the loan amount, its account was declared as Non-Performing Assets (NPA) on 31.3.2018. A notice dated 21.4.2018 (Annexure P-1) under Section 13(2) of the SARFAESI Act was

issued to respondent No.3 for the payment of outstanding dues. Thereafter, the petitioner filed an application dated 18.8.2018 (Annexure P-2) under Section 14 of the SARFAESI Act before respondent No.2 for taking possession of the properties as mentioned in para 4 of the writ petition. Respondent No.3 had also filed SA No. 147 of 2018 on 17.9.2018 under Section 17 of the SARFAESI Act. The Debts Recovery Tribunal-I, Chandigarh (in short “the Tribunal”) vide order dated 17.10.2018 (Annexure P-3) did not grant any stay and adjourned the matter for reply to the application. The borrower and the third party filed objections dated 19.12.2018 and 30.1.2019 (Annexures P-4 and P-5, respectively). The petitioner filed amended application dated 7.2.2019 (Annexure P-6) under Section 14 of the SARFAESI Act on the asking of respondent No.2. An application dated 20.3.2019 (Annexure P-7) was filed by the petitioner for the appointment of the Revenue Officer to visit the site. However, no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved the applications dated 18.8.2018, 7.2.2019 and 20.3.2019 (Annexures P-2, P-6 and P-7, respectively) under Section 14 of the SARFAESI Act before respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, 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.2 to take a decision on the applications dated 18.8.2018 and 20.3.2019 (Annexures P-2 and P-7, respectively), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the concerned parties within

a period of one month from the date of receipt of the certified copy of the order.

**(AJAY KUMAR MITTAL)
JUDGE**

May 1, 2019
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**(MANJARI NEHRU KAUL)
JUDGE**

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