

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11296-2019

Date of Decision: 1.5.2019

Rajesh Singhal

...Petitioner

Versus

State Bank of India and others

...Respondents

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

PRESENT: Mr. Tegjeet Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ of certiorari for quashing the action of respondent No.1-Bank in proceeding under the summary procedure of the Recovery of Debts and Dues to Banks and Financial Institutions Act, 1993 and further selling the property to the petitioner inspite of recalling the recovery proceedings in terms of the order passed by the Debts Recovery Appellate Tribunal, New Delhi (in short “the Tribunal”) in an appeal filed by the borrowers. Further, a writ of mandamus has been sought directing the Bank to pay back and release the auction amount, interest, cost and expenses to the petitioner.

2. A public proclamation/publication dated 28.8.2014 (Annexure P-1) was published in the newspaper regarding the sale of the property as mentioned in para 2 of the writ petition in the recovery proceedings

of 2014. In response thereto, the petitioner had submitted his bid and was declared to be successful bidder of the said property. A sale certificate dated 23.12.2014 (Annexure P-2) was issued to the petitioner. The borrowers had filed an application for setting aside the exparte order and recovery certificate in favour of the Bank before the Tribunal. The Tribunal vide order dated 30.11.2016 (Annexure P-3) set aside the exparte order in the Original Application. In pursuance thereto, the petitioner moved an application before the Debts Recovery Tribunal, Chandigarh (hereinafter referred to as "the DRT") for return of the auction money and other expenses incurred by the petitioner in the sale under consideration. The DRT vide order dated 23.1.2018 (Annexure P-4) disposed of the said application by directing the respondent-Bank to release the money as directed by the Tribunal. Thereafter, the petitioner moved the representations dated 7.2.2018, 27.2.2018, 21.3.2018 and 19.3.2019 (Annexure P-5 Colly) to the Chief Manager, State Bank of India, Kharar for the release of payment, but 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 representations dated 7.2.2018, 27.2.2018, 21.3.2018 and 19.3.2019 (Annexure P-5 Colly) to the Chief Manager, State Bank of India, Kharar, 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.1 through its Chief Manager to take a decision on the representations dated

7.2.2018, 27.2.2018, 21.3.2018 and 19.3.2019 (Annexure P-5 Colly), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner 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
gbs

(MANJARI NEHRU KAUL)
JUDGE

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