

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-13677-2019

Date of Decision: 22.5.2019

Oriental Bank of Commerce

...Petitioner

Versus

Chandigarh Administration and others

...Respondents

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

PRESENT: Ms. Anuradha Gupta, 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 mandamus directing respondent No.2 to decide the application dated 11.9.2018 (Annexure P-4) 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. Respondent No.3 had availed an overdraft credit facility amounting to ₹ 9,98,000/- from the petitioner and executed the agreement dated 6.3.2013 (Annexure P-1). To secure the said loan, respondent No.4 stood guarantor and mortgaged her property as mentioned in para 3 of the writ petition by way of transfer deed dated 11.8.2010 (Annexure P-2). Since respondent No.3 committed default in the repayment of the loan, his account was declared as Non-Performing Asset (NPA) on 28.2.2017. A notice dated

issued to the borrowers raising a demand of ₹ 11,91,554/- as on 30.4.2018.

When the borrowers failed to make the loan amount in question, the petitioner filed an application dated 11.9.2018 (Annexure P-4) under Section 14 of the SARFAESI Act before respondent No.2 for taking physical possession of the mortgaged property, but no response has been received. 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 an application dated 11.9.2018 (Annexure P-4) 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 application dated 11.9.2018 (Annexure P-4), 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 22, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No