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

CWP No.11804 of 2018
Decided on : 25.01.2019

Shine Footwear Traders & anr. ...... Petitioners

Versus

State Bank of India and anr ...... Respondents

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

Present : Ms. Anju Arora, Advocate
for the petitioners.

Mr. Umang Khosla, Advocate
for the respondents.

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Manjari Nehru Kaul, J.

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of Certiorari for quashing the impugned notices dated 07.02.2018 (Annexure P-10) and 11.04.2018 (Annexure P-11) respectively issued by respondent No.1 under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity 'the Act').

2. Petitioner No.1 was sanctioned Cash Credit Limit amounting to ₹ 23 lakhs in the year 2015. The said loan was secured by mortgaging the following property:

> *"A house of an area measuring 356.66 sq. yards situated at R-III-169, House Tax Unit No.21/168/2, C Block within the M.C.Limits of M.C., Sirsa, Tehsil and District Sirsa vide sale deed No.3656 dated 18.06.2004 standing in the name of Hardeep Chopra."*

3. According to the petitioners, in the year 2017 due to a fire incidence in their shop, a substantial part of the stocks lying therein was destroyed. A part of their claim was also accepted by the Insurance Company. Due to the fire incident, they could not maintain the financial discipline as a result of which their account was classified as Non Performing Asset on 31.12.2017. Thereafter, respondent-Bank issued notice dated 07.02.2018 (Annexure P-10) under Section 13(2) of the Act and made a demand of ₹ 23,95,603/- to the petitioners as on 07.02.2018. The respondent-bank issued possession notice dated 11.04.2018 (Annexure P-11) under Section 13(4) of the Act to the petitioners. Feeling aggrieved, the present writ petition.

4. Learned counsel for the petitioners submitted that the petitioners are ready and willing to clear the outstanding dues or to regularize their account within a reasonable period.

5. Learned counsel for the respondents submitted that in case a reasonable proposal is made by the petitioners, the respondent-Bank shall consider the same.

6. After hearing learned counsel for the parties, perusing the petition and without expressing any opinion on the merits of the case, the present writ petition is disposed of with the following directions:

1. The petitioners shall approach the respondent-bank within one month from today by filing a detailed and comprehensive representation for clearing the outstanding dues or to regularize the loan accounts.
2. The petitioners shall deposit a draft amounting to ₹ 2 lakhs along with the representation.

3. Respondent-bank shall consider the representation submitted by the petitioners sympathetically in accordance with law, after affording an opportunity of hearing to the petitioners and pass a speaking order.
4. The decision on the representation shall be taken at the earliest by the respondent-bank but not later than two months from the receipt of such representation.
5. It is clarified that in case the petitioners either fail to submit their representation or fail to deposit the draft of ₹ 2 lakhs within the specified time, the respondent-bank would be at liberty to proceed in accordance with law.

7. Meanwhile, status quo shall be maintained till a decision is taken by the respondent-bank on the representation submitted by the petitioners. However, it is clarified that the interim protection shall not be construed as an expression of opinion on the merits of the case by this Court.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

25.01.2019
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No