

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

CWP-15283-2017

Decided on: 08.04.2019

M/s. Mobin Malik Enterprises

.... Petitioner

Vs

Punjab National Bank

..... Respondent

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

Present: Mr. Lokesh Sinhal, Advocate
for the petitioner (with Shri Mobin Malik-petitioner).

Mr. R.S. Bhatia, Advocate
for the respondent.

AJAY KUMAR MITTAL, J (ORAL)

Challenge in this writ petition under Articles 226/227 of the Constitution of India, is inter alia for issuance of a writ in the nature of certiorari for quashing the order/letter dated 02.02.2016 (Annexure P-11) passed by the respondent-bank .

2. Learned counsel for the petitioner, on instructions from Mr. Mobin Malik, states that vide order dated 02.02.2016 (Annexure P-11), the Debts Recovery Appellate Tribunal, Delhi while dismissing the appeal had granted liberty to the petitioner herein to approach the Authorised Officer of the Bank for refund of the forfeited amount. Accordingly, it was submitted that the petitioner had approached the bank with the said prayer which was declined by the bank. Thereafter, the petitioner had approached the Debts Recovery Tribunal-II, Chandigarh vide Securitization Application No. 17/17, which was dismissed on 03.05.2017 appended as Annexure P-15.

3. After arguing for sometime, learned counsel for the petitioner submitted that in view of the judgment of the Apex Court in **Aggarwal Tracom Pvt. Ltd. vs. Punjab National Bank and others AIR 2017 SC 5562**, he may be allowed to withdraw the present petition with liberty to the petitioner to challenge Annexure P-15 by filing an appeal under Section 18 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 before the Debts Recovery Appellant Tribunal.

4. Dismissed as withdrawn. However, it shall be open to the petitioner to take recourse to the remedies as may be available to it, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

08.04.2019
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No