

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

CWP No. 22052 of 2019

Date of Decision: 21.08.2019

DR. HARSHBIR SINGH PANNU AND ANOTHER *Petitioners*

V/s.

PUNJAB NATIONAL BANK AND OTHERS *Respondents*

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI.

Present: Mr. Salil Sagar, Senior Advocate,
with Mr. Sankalp Sagar, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (Oral)

There are two prayers made in this petition. Firstly, for the issuance of a writ in the nature of *mandamus* for directing respondent No. 1 to consider the request for restructuring of loan of the petitioner in accordance with RBI circular dated 01.01.2019 (Annexure P-20) without insisting upon the active participation of respondent No. 2. Secondly, for the issuance of a writ in the nature of *certiorari* for quashing the notice dated 22.07.2019 (Annexure P-29) issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short “the Act”) whereby respondent-Bank has declared the loan account of the petitioner as Non Performing Asset (NPA) and recalled the amount of ₹3,94,03,021.97.

Insofar as the first prayer is concerned, the petitioner has only made a prayer for issuance of a writ in the nature of *mandamus* whereas the respondent-Bank has already taken a decision and conveyed to the petitioner vide letter dated 29.01.2019 stating that the application for restructuring of

loan account cannot be entertained until and unless the same is signed by all the partners of the firm. In that eventuality, writ in the nature of *certioari* would lie instead of a writ in the nature of mandamus.

Be that as it may, insofar as the second prayer is concerned, the petitioner has the remedy to file objection under Section 13 (3A) of the Act as per which the respondent-Bank is obliged to decide and convey its decision to the petitioners.

Faced with these observations, learned counsel for the petitioners prays for withdrawal of this petition with liberty to approach the respondent-Bank to file objection under Section 13 (3A) of the Act at the first instance. It is directed that in case any such objection is filed with the respondent-Bank, within a period of seven days from the date of receipt of certified copy of this order, the same shall be entertained and decided by the respondent-Bank in accordance with law and its decision shall be conveyed to the petitioners.

With these observations, this petition stands disposed of.

[RAKESH KUMAR JAIN]
JUDGE

August 21, 2019
Ess Kay

[ARUN KUMAR TYAGI]
JUDGE

Whether speaking / reasoned :	Yes	/	No
Whether Reportable :	Yes	/	No