

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

141

**CWP No.23624 of 2019
Date of Decision : 30.08.2019**

PDM Religious & Educational Association

.....Petitioner

Versus

Debt Recovery Tribunal-II, Chandigarh and others

.....Respondents

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

Present : Mr. V.K. Sachdeva, Advocate for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

Notice of motion.

At this stage, Sh. Sandeep Suri, Advocate accepts notice on behalf of respondent No.2-Bank (contesting respondent).

The prayer made by the petitioner is that respondent No.1 may be directed to decide the SA No.209 of 2018 expeditiously and preferably within a period of 45 days. Counsel for the petitioner, however, submits that the e-auction of the mortgaged property shall take place on 03.09.2019. He had relied upon an order passed by this Court in CWP No.14547 of 2015 which read as under:-

“Learned counsel for the petitioner argued that an application under Section 17 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short ‘the Act’) was filed on 15.07.2015 on which the Debt Recovery Tribunal (for short ‘the Tribunal’) has issued notice for 30.07.2015. On the said date, the auction of the mortgaged property is also scheduled to be held by the Financial Institutions.

The assertion of the petitioner is that the Tribunal is not likely to decide such application before the auction is conducted, which will defeat the rights of the petitioner. The apprehension of the petitioner is based upon the fact that earlier an application under Section 17 of the Act alongwith an application for stay was filed, but was not decided. The petitioner sought to amend such application, which was not allowed. Left with no other option, the

petitioner has to withdraw such application and filed the present application under Section 17 of the Act.

On the basis of assertion made on behalf of the petitioner, we deem it appropriate to direct the Tribunal to decide the application filed by the petitioner under Section 17 of the Act expeditiously. We further direct that the Tribunal and/or the secured creditors shall not confirm the auction till such time, the application is decided by the Tribunal.

With such directions, the instant writ petition stands disposed of.”

Counsel for respondent No.2, faced with aforesaid, has submitted that this petition may be disposed of with a direction to respondent No.1 to decide SA No.209 of 2018 of the petitioner expeditiously and within a prescribed period of 45 days but in the meantime they may be allowed to auction the property. It is also suggested by him that till the SA is not decided, the auction may not be confirmed.

In view of the facts and circumstances of the case, the present petition is hereby disposed of with a direction to respondent No.1, who is seized of SA No.209 of 2018, to decide the said SA within a period of 45 days from the date of appearance of the parties i.e. from 30.09.2019 and in the meantime, if any auction takes place of the secured asset then the same shall continue but the auction shall not be confirmed.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

30.08.2019
Kothiyal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No