

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

CWP-34476-2019

Date of decision : 27.11.2019

Meena and another

. ... Petitioners

Versus

Debts Recovery Tribunal-1, Chandigarh and another ... Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Petitioner No.2 in person, with
Mr. Aalok Jaga, Advocate
for the petitioners.

Mr. Balmukand Parshad, Chief Manager of
respondent No.2-bank, with
Mr. C.S. Pasricha, Advocate.

RAKESH KUMAR JAIN, J (ORAL)

The only issue raised by the petitioners is about the manner of auction of the property in question. Counsel for the petitioners has submitted that the property may be sold by way of e-auction whereas, the counsel for the respondent-bank has submitted that the property may be sold by way of e-auction but an undertaking may be taken from the petitioners that they would hand over the actual physical vacant possession of the property in dispute to the highest bidder in the e-auction within the time prescribed by this Court.

Petitioner No.2 (Parmod Kumar) is present in the Court. He has undertaken before us that he would hand over actual physical possession of the property in question after its sale by way of e-auction within 15 days to the highest bidder and no objection either by him, his wife (petitioner No.1) or any other member of the family shall be raised.

He has also undertaken that in case he violates the undertaking given today in Court, then appropriate action may be taken against him in terms of the provisions of 'The Contempt of Courts Act, 1971' because this order is being passed by this Court on equity and not on law because counsel for the respondent-bank had opposed the writ petition on the ground that the remedy is available to the petitioners in terms of Section 31A(1) of 'The Recovery of Debts Due to Banks and Financial Institutions Act, 1993 (in short 'the Act')'.

Counsel for the respondent-bank has submitted that a corrigendum shall be issued within two days for holding the e-auction within 7 days thereafter. However, he has requested that in case the e-auction fails, which is being held on the insistence of the petitioners, they may be allowed to hold the physical auction thereafter. The proposal made by the respondent-bank is not opposed by the counsel for the petitioners.

Consequently, the present writ petition is hereby disposed of with a direction that the property in dispute shall be sold by the respondent-bank by way of e-auction. The necessary corrigendum shall be issued within two days from today. The e-auction shall be held within 7 days thereafter. The petitioners shall hand over the actual physical vacant possession of the property, which is going to be sold by way of e-auction to the highest bidder of the e-auction within 15 days of the acceptance of bid.

(RAKESH KUMAR JAIN)
JUDGE

(SUVIR SEHGAL)
JUDGE

27.11.2019

Dinesh

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