

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.12576 of 2018(O&M)
Date of decision :11.1.2019

Ranbir Singh

..... Petitioner

Versus

The Authorized Officer, Bank of Baroda, G.T. Road Branch,
Jalandhar, Punjab and another

..... Respondents

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

Present: Mr.G.S.Punia, Senior Advocate with
Mr.G.S.Brar, Advocate for the petitioner.
Mr.APS Pathania, Advocate for respondent No.1.
Mr.Pankaj Gupta, Additional Advocate General,
Punjab.

AJAY KUMAR MITTAL,J.

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India for quashing of the notice dated 13.1.2015, Annexure P.3, under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, 'SARFAESI Act') for taking possession of the property i.e. SCO 1C and 2, Dashmesh Nagar, Near Bus Stand, Jalandhar.

2. It was not disputed that application under Section 17 of the SARFAESI Act is maintainable to challenge the notice under Section 13(4) of the SARFAESI Act as held in **Union Bank of India v. Satyavati Tandon**, (2010) 8 SCC 110.

3. In view of the above, while disposing of the writ petition, we relegate the petitioner to the remedies available to him under the SARFAESI Act.

4. It was submitted by learned senior counsel for the petitioner that since the limitation had expired as the petitioner was before this Court, therefore, some time may be granted to file an application under Section 17 of the SARFAESI Act.

5. Accordingly, the petitioner is permitted three weeks' time to approach the Debts Recovery Tribunal by filing an application under Section 17 of the SARFAESI Act. In case the application is filed within the aforesaid period, the same shall not be dismissed on the ground of limitation.

6. A further prayer was made by learned senior counsel that while issuing notice of motion, this Court had granted interim protection on 17.5.2018 which is still in operation and as such till the time application is decided by the DRT, the interim protection be continued.

7. After hearing learned counsel for the parties and perusing the records, we direct that the interim protection shall be continued for two weeks after the filing of the application under Section 17 of the SARFESI Act. In case no such application is filed within three weeks', the interim protection shall cease to operate thereafter.

8. Needless to say that anything observed hereinabove or grant of interim protection shall not be construed as an expression of opinion on the merits of the controversy.

(AJAY KUMAR MITTAL)
JUDGE

January 11, 2019
KD

(MANJARI NEHRU KAUL)
JUDGE