IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.5352 of 2020.
Date of Decision : December 28, 2020.

Vidyadhar Education Society & Another ...Petitioners.

Versus

State of H.P. & Others ...Respondents.

Coram:
The Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice
The Hon'ble Mr. Justice Anoop Chitkara, Judge.

Whether approved for reporting?[1] *No.*

For the petitioner : Mr. Ramakant Sharma, Advocate.
For the respondents : Mr. Arvind Sharma, Advocate.

COURT PROCEEDINGS CONVENED THROUGH VIDEO CONFERENCE

Anoop Chitkara, Judge (oral).

Challenging the order passed by Debt Recovery Tribunal, Chandigarh as well as demand notice, issued with respect to property under mortgage, the petitioner Society through its President as well as private petitioner Smt. Meera Garg, have come up before this Court.

2. At the very outset, we clarify that this Court has no jurisdiction of this Court to entertain any matter where the appeal is provided under the SARFAESI Act. Reference be also made to the judgment of Hon'ble Apex Court in **Civil Appeal No.1281 of 2019**, titled **Authorized Officer, State Bank of Travancore and Another** versus **Mathew KC**.

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

3. Mr. Arvind Sharma, learned counsel representing the respondent-Bank submits that let the petitioner-Society apply for OTC, which will be considered by the Bank provided the petitioner pay some funds before applying for such a scheme.

4. Without going into the merits of the petition and without expressing any opinion about the prayer clause, we dispose of the writ petition, permitting the petitioner to apply to the respondent-Bank for OTS, subject to payment of Rupees Seven Lacs within seven days. Subject to the aforesaid payment on or before 4.1.2021, the Bank shall not take any coercive steps till the decision of the OTS application. It is clarified that in case the petitioner fails to deposit Rupees Seven Lacs on or before 4.1.2021, the interim protection granted vide order dated 19.11.2020, shall stand vacated automatically.

5. With the aforesaid observations, the writ petition stands disposed of, so also the pending application(s), if any.

(L. Narayana Swamy)
Chief Justice.

(Anoop Chitkara),
Judge

December 28, 2020 (ps)