

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206 CWP No. 13798 of 2019
Date of Decision: 1st September, 2020

Surjit Kaur

....Petitioner

VERSUS

Authorized Officer, Oriental Bank of Commerce and others

....Respondents

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. Kamal Chaudhary, Advocate for the Petitioner.
None for the Respondents.

Dr. S. Muralidhar, J.

1. On 22nd May, 2019, the following order was passed in the present petition:

“Learned counsel for the petitioner inter alia submits that the possession notice under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (in short 'the Act') was issued at the address SCF No. 22, New Grain Market, Malerkotla, Distt. Sangrur, as is apparent from the perusal of Annexure P-3. It was urged that the property, which had been mortgaged was Shop No. 22 and not SCF No.22. It was claimed that earlier the notice under Section 13(4) of the Act was never received by the petitioner, except the notice dated 01.05.2018 (Annexure P-4). According to the learned counsel, the delay had, thus, occurred in view of the aforesaid circumstances and the application for condonation of delay has been wrongly dismissed.

Notice of motion to the respondents for 19.07.2019.

Process dasti only.

At this stage, Mr. Anil K. Ahuja, Advocate, who is present in court, accepts notice on behalf of respondents No.1 & 2 (Bank) and prays for time to file reply.

Let requisite copies of the complete paper book be supplied to the learned counsel for respondents No.1 & 2 during the course of the day.”

2. Since then, repeatedly adjournments have been granted to the Respondents to enable them to file a reply. Despite the matter being listed on six dates thereafter, no reply has been filed. Further time is sought.
3. The point being a very short one about the condonation of delay in filing the application under Section 17 of the SARFAESI Act before the Debts Recovery Tribunal III, Chandigarh ('DRT') against a possession notice dated 23rd March, 2017 and an order dated 5th May, 2017 under Section 14 of the SARFAESI Act, this Court sees no reason to further adjourn the final hearing of the present petition.
4. In the circumstances explained in the petition and as noted in the aforementioned order dated 22nd May, 2019, this Court is of the view that the DRT ought to have condoned the delay on the part of the Petitioner in filing the application SA No. 122 of 2018 before it.
5. In that view of the matter, the impugned order of the DRT dated 31st December, 2018 dismissing the Petitioner's application and consequently, SA No. 122 of 2018 itself, is hereby set aside. The delay in filing the said application is condoned. The Petitioner's application SA No. 122 of 2018 is restored to the file of the DRT for being disposed of on merits in accordance with law. The aforementioned SA No. 122 of 2018 will be now listed before the DRT for directions on 21st September, 2020.
6. The writ petition is disposed of in the above terms.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

1st September, 2020
Satyawan

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