

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

CWP No. 7613 of 2020
Date of Decision: 01.06.2020

ASHWANI KUMAR

...Petitioner

VS.

STATE BANK OF INDIA AND ANOTHER

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA.**

Present: - Mr. Sumit Saddi, Advocate,
 for the petitioner.

RAKESH KUMAR JAIN, J. (Oral)

Case taken up through Video Conferencing.

The petitioner has prayed for the issuance of a writ in the nature of *Certiorari* for quashing of the order dated 12.03.2020 passed by the District Magistrate, U.T., Chandigarh under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as “the Act”)

It is averred that the loan account of the petitioner was declared as Non Performing Asset on 28.11.2017 but he has not averred about the proceedings initiated under Section 13(2) and 13(4) of the Act which has ultimately led to the passing of the impugned order by the District Magistrate, U.T., Chandigarh on the asking of the Secured Creditor (SBI) to take-over the physical possession of the secured asset i.e. Booth No. 302, Sector 20-D, Chandigarh and to hand-over the same to it.

But counsel for the petitioner has argued that the petitioner is ready and willing to settle his loan account. In this regard, he has referred to two entries in the loan account of 08.08.2019 and of 26.09.2019 to contend that the petitioner had deposited ₹49,000/- and ₹30,000/- respectively but he could not refer to any subsequent payment/entry to show his readiness and willingness to discharge his debts. On the contrary, the Secured Creditor had to file a Civil Suit for recovery in February, 2019 which has been decreed on 12.03.2020 because the petitioner did not make any effort to pay the defaulted amount even before the Civil Court and had also not challenged the proceedings initiated under the Act before it could culminate into the passing of the impugned order.

Counsel for the petitioner has miserably failed to raise a meaningful argument to persuade this Court to hold that the impugned order passed by the District Magistrate, U.T., Chandigarh is against the provisions of a law and thus, deserves to be quashed. Thus, we do not find any merit in this petition and the same is hereby dismissed though without any order as to costs.

[RAKESH KUMAR JAIN]
JUDGE

June 1, 2020

Ess Kay

[ASHOK KUMAR VERMA]
JUDGE

Whether speaking / reasoned : **Yes / No**

Whether Reportable : **Yes / No**