

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

CWP No.15337 of 2020

Date of Decision: September 24, 2020

Naresh Kumar

...Petitioner

VERSUS

AU Small Finance Bank Ltd. and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE S.N.SATYANARAYANA
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.Ram Bilas Gupta, Advocate,
for the petitioner.

S.N.SATYANARAYANA, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ in the nature of certiorari for quashing the auction notice vide which the property in dispute is going to be re-auctioned on 29.09.2020.

Notice of motion.

Ms.Deepika Mittal, Advocate, takes notice on behalf of the respondents-bank.

The petitioner herein, is the highest bidder in an auction, which had taken place on 10.02.2020, which was conducted by respondent No.2 on behalf of respondent No.1. In terms of the auction, the petitioner, who

had bid the property for value of ₹11,10,000/-, has paid ₹2,80,000/- on 13.02.2020, which is in the form of ₹50,000/- in cash and ₹2,30,000/- in Demand Draft. The balance amount he was required to pay on or before 25.02.2020, which is not paid on the pretext that in the wake of Covid-19 pandemic, he was not able to arrange the funds, which we are not willing to accept. In any event, he has now come forward with an offer to pay the balance amount within three weeks and to show his bonafide, he has submitted a Demand Draft of ₹3 lakhs to respondent No.1, towards payment of the balance amount. In the meanwhile, it is seen that the respondents No.1 and 2 have got the property for re-sale by way of auction on 29.09.2020. Under the aforesaid circumstance, we are of the considered opinion that no concession could be extended to the petitioner except permitting him to pay the balance auction amount on or before 28.09.2020. If he is able to deposit the same, then we would restrain the bank from auctioning the property on 29.09.2020 and would advise them to accept the same and to complete the transaction. In the absence of the entire amount by 28.09.2020, it is open for the bank to continue with the auction which is already fixed for 29.02.2020 and to complete auction proceedings.

With such observation, this writ petition stands disposed of.

(S.N.SATYANARAYANA)
JUDGE

(ARCHANA PURI)
JUDGE

September 24, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No