

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-18490-2019

Date of decision : 03.02.2020

M/s Shri Balaji Education Trust, Kalinga

... Petitioner

Versus

Bank of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.R.B.S. Chahal, Advocate
for the petitioner.

Mr.Baldev Singh Badhran, Advocate &
Ms.Shina Sehgal, Advocate
for respondents no.1 & 2.

Ms.Madhu Sharma, Advocate
for respondent no.3.

RAJIV SHARMA, J.

A copy of letter dated 21.08.2019 is permitted to be placed on
record.

The present petition has been filed for the following reliefs:-

- “a) summon the all relevant records of the case;*
- b) issuance of a writ in the nature of mandamus
thereby directing the respondents particularly
respondent No.1, 2 & 4 to desal the premises of the
school namely Shri Balaji Senior Secondary School,
Kalinga, District Bhiwani being run by the petitioner-
trust, which has been sealed on 03.07.2019 by the
respondent-Bank and the respondent no.4 in order to*

recover the borrowed amount by the petitioner and further, the respondent-Bank may kindly be directed to extend the time of OTS which is under consideration or alternatively, the petitioner-trust may kindly be allowed to sell off some property out of the properties mortgaged to pay off the debts due towards the Bank and with a further prayer for issuance of a writ in the nature of prohibition thereby restraining the respondent-Bank not to auction /sale the property mortgaged with the Bank, during the pendency of the present writ petition, in the interest of justice.

c) to pass any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the present case;”

The petitioner institution has submitted an application to the Branch Manager of the respondent bank on 21.08.2019 whereby he agreed for one time settlement for Rs. One crore seventy eight lacs. The petitioner institution had deposited Rs.Thirty seven lacs. The remaining amount was Rs.One crore forty one lacs. According to them, a cheque of Rs.One crore forty lacs was deposited in NBG, Delhi.

Learned counsel for the respondent-bank seriously refutes it. According to him, the cheque was never encashed by the bank. This amount was to be paid within 90 days.

Learned counsel for the respondent bank submits that only Rs.Thirty seven lacs has been deposited. Remaining amount of

Rs. Seventeen lacs as claimed by the petitioner institution has not been paid.

The petitioner institution had undertaken to abide by the letter 21.08.2019 which is placed on record today in sequel to which the property was de-sealed.

Since the petitioner did not abide by the OTS, as agreed between the parties, there is no merit in the petition and the same is dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

February 03, 2020.
Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No