

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-29021-2019(O&M)
Date of decision : 26.02.2020

M/s Naveen Timbers Pvt. Ltd. and others

... Petitioners

Versus

State Bank of India

... Respondent

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

Present: Mr.Manish Jain, Advocate
for the petitioners.

Mr.Rajiv Sharma, Advocate
for the respondent.

RAJIV SHARMA, J.(ORAL)

The petitioners were issued notice under Section 13(2) of the SARFAESI Act on 12.07.2016. The petitioners entered into correspondence with the respondent bank which led to One Time Settlement dated 17.02.2018. Conditions 2, 3 & 4 of the same read as under:-

“2. Rs.3.80 crore will be deposited within one month after receipt of sanction letter of OTS. After receipt of 1st installment of Rs.3.80 crore, commercial property situated at R.S. No.361, Paiki, Mithi Rohar, Taluka Gandhidham (Kutchh), Gujarat measuring 18008 sq. mts. in the name of Ankur Goyal & Smt. Payal Goyal worth Rs.3.79 crore shall be released.

3. Rs.4.35 crore will be deposited within three months from the date of sanction of the OTS, preferably

by 31.03.2018. After receipt of 2nd installment Rs.4.35 crore, commercial property (Godown) situated at Mangli Uchni, Chandigarh Road, Ludhiana, measuring 3420 sq.yds. vide sale deed no.3498 dated 07.12.2011 in the name of Smt.Kamlesh Goyal w/o Rajendra Prasad Goyal worth Rs.4.11 crore (RV as per valuation dated 18.12.2017) shall be released.

4. Rs.6.10 crore along with the interest at applicable rate will be deposited within six months from the date of sanction letter of the OTS towards full and final settlement of dues as per terms of compromise. After receipt of Rs.6.10 crore and interest thereon, remaining properties will be released.”

Thereafter, One Time Settlement dated 17.02.2018, according to the petitioner, was extended on 18.12.2018.

The case of the petitioners is that in sequel to condition no.2 of One Time Settlement dated 17.02.2018, the property of the petitioners has not been released. The fact of the matter is that the petitioners had to deposit Rs.3.80 crore (Rupees Three crore eighty lacs) with the respondent bank on or before 31.03.2018 which the petitioners have failed to do. Thus, the property could not be released.

The fact of the matter is as per the reply, the petitioners have not fully complied with One Time Settlement dated 17.02.2018 read in conjunction with extension letter dated 18.12.2018 which led to Annexure P24 dated 30.03.2019. Since the petitioner company has not followed the terms and conditions of the OTS, there is no merit in the petition and the

same along with miscellaneous applications is disposed of.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

February 26, 2020.
Davinder Kumar

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