

CM-9412-CWP-2021 in/and
CWP-149-2020

--1--

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

CM-9412-CWP-2021 in/and
CWP-149-2020

DATE OF DECISION:-28.07.2021

MAAC INFRA PVT. LTD. AND ORS.

...PETITIONERS...

VERSUS

DISTRICT MAGISTRATE, GURUGRAM, AND ORS.

...RESPONDENTS...

**CORAM:HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present:Mr. Sandeep Vermani, Advocate,
for the petitioners.

Mr. Vivek Saini, Addl. A.G. Haryana,
for respondents No.1 and 2-State.

None for respondent No.3-Bank.

SANT PARKASH, J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

CM-9412-CWP-2021

Prayer in this application is for withdrawal of main petition in view of settlement arrived at between the petitioners and respondent No.3-Bank and for exemption from filing certified/true typed copies of Annexures P-29 to P-34 as well as for placing on record photocopies of the same.

Heard.

Keeping in view the fact that the matter has been compromised between the parties and the petitioners intend to withdraw the main petition, hearing of the main case, which is fixed for 07.10.2021, is pre-poned for hearing and final disposal today.

Application is allowed and documents (Annexures P-29 to P-34) are taken on record. Accordingly, applicants-petitioners are permitted to withdraw the main petition.

CM stands disposed of.

CWP-149-2020

Instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 30.10.2018 (Annexure P-9) passed by respondent No.1, notice/communication dated 17.12.2019 passed by respondent No.2 (Annexure P-28), setting aside all the proceedings undertaken by respondent No.3-Bank under the SARFAESI Act, 2002, communication dated 30.03.2019 of respondent No. 3 (Annexure P-20), vide which, the OTS Scheme was revised at the back of the petitioners in an illegal and arbitrary manner and against the spirit of the communications dated 31.12.2018 (Annexure P-14) and 08.01.2019 (Annexure P-15) and proceedings arising therefrom. And further directing respondent No.3-Bank to adhere to the terms and conditions contained in the communication dated 02.11.2018 (Annexure P-11).

Now, the parties have amicably settled their dispute as is evident from the order of even date passed in *CM-9412-CWP-2021*. Documents (Annexures P-29 to P-34) have been placed on record depicting that as on date, respondent No.3-Bank has received the entire OTS amount, released all the security documents in original and also closed the entire loan account of petitioner No.1 i.e. M/s Maac Infra Private Limited and now, there are no dues in the said account.

Keeping in view the totality of facts and circumstances as also the order passed in *CM-9412-CWP-2021*, main petition bearing *CWP-149-2020*, is dismissed as withdrawn.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

28.07.2021

sonika

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No