

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

Sr. No.111

**CWP-1214-2021
Date of Decision: 08.04.2021**

GHOLA RAM

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Rohan Sharma, Advocate,
for the petitioner.

RITU BAHRI, J.

The present petition has been filed by the petitioner for issuance of a writ in the nature of certiorari thereby seeking quashing the auction-cum-sale notice dated 24.12.2020 (Annexure P-6) and for directing the respondent No.2 to restore the physical possession of the residential property of the petitioner.

Notice of motion.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab, and Mr. Nitin Grover, Advocate, accepts notice on behalf of respondent-State authorities and respondent-Bank, respectively.

In the present case, initially vide order dated 18.01.2021, a direction was given to respondent No.3 to accept the demand draft of Rs.3,00,000/-, which was to be presented by the petitioner. On

22.03.2021, learned counsel for the petitioner stated that petitioner had made payment of Rs.3,00,000/- and an amount of Rs.60,000/- towards interest was due as per Section 13(7) of the SARFAESI Act, 2002, which does not include the recovery charges. Today, learned counsel for the petitioner on instructions informs that petitioner can only deposit Rs.40,000/- within a period of two weeks, as he is working as a labourer/daily wager. Learned counsel makes a prayer for reduction of amount due towards the petitioner from Rs.60,000/- to Rs.40,000/-, keeping in view the fact that he is a labourer.

On the other hand, learned counsel for the respondent-Bank is objecting to the statement made by learned counsel for the petitioner with regard to reduction of amount from Rs.60,000/- to Rs.40,000/- and states that this is the payment of interest, which the petitioner is bound to pay.

Keeping in view the fact that the petitioner is a labourer and also keeping in view the prevailing Covid situation, we deem it appropriate to reduce the amount due towards the petitioner from Rs.60,000/- to Rs.40,000/-, as the Bank will pay much more money to its agents to recover the said amount, which in turn will cause harm to the Bank authorities itself.

Therefore, the instant Civil Writ Petition is being disposed of, subject to deposit of Rs.40,000/- by the petitioner within two weeks and it is made clear that no action shall be taken pursuant to auction-cum-sale notice (Annexure P-6), however, if the petitioner defaults in making this payment of Rs.40,000/- within two weeks,

then the auction proceedings can be restarted. In case, the petitioner deposits the said amount within the stipulated time, the possession of the property in question shall be handed back to him by the Bank within next 10 days.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

08.04.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No