

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

**Civil Writ Petition No. 3745 of 2021 (O&M)
Date of Decision: 29.09.2021**

M/s. Chaudhary Trading Company, Hodal, Palwal
and another

..... Petitioners

Versus

District Magistrate, Palwal (Haryana) and others

..... Respondent

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

Present: Mr. Rishav Jain, Advocate, and
Mr. Kanish Jindal, Advocate
for the petitioner.

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

JASWANT SINGH, J. (ORAL)

Petitioner No. 1 is a proprietorship concern of Man Singh (petitioner No. 2). They have laid challenge to the order dated 26.11.2020 (**Annexure P-3**) passed by the District Magistrate, Palwal on an application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short “**the Act, 2002**”) moved by the State Bank of India / Secured Creditor (respondent No. 3), whereby a direction has been issued to Superintendent of Police, Palwal to provide assistance to take physical possession of the secured assets.

It is apparent that the home loan availed for a sum of ₹ 40 Lakhs on 18.03.2017 from the State Bank of India (respondent No. 3) had been declared as Non-Performing Asset (NPA) on 28.08.2019 for lack of financial discipline. A notice under Section 13(2) of the Act, 2002 was

issued on 03.09.2019 (**Annexure P-1**) seeking to recall outstanding amount of ₹ 42,11,586/- as on 31.08.2019.

Vide order dated 18.02.2021, the petitioner was given an option for a payment of sum of ₹ 20 Lakhs upfront with some reasonable re-payment schedule of the remaining balance to show his *bona fides*, in order to invoke the writ jurisdiction of the Court.

At the time of resumed hearing today, counsel for the petitioner submits that the petitioner is unable to pay any amount, and infact, he has not paid any amount in the loan account since two and half (2½) years.

In view of the above and the fact that the proper remedy for assailing the order dated 26.11.2020 (**P-3**) passed by the District Magistrate, Palwal would be the Debts Recovery Tribunal (DRT), we find no ground to invoke the writ jurisdiction.

Dismissed.

**(JASWANT SINGH)
JUDGE**

September 29, 2021

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**(SANT PARKASH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>