

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-6367-2021

Date of Decision: 18.03.2021

M/s Baba Budh Dass Stone Crusher and others

...Petitioners

Versus

Bank of Baroda and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJAN GUPTA.
HON'BLE MR. JUSTICE KARAMJIT SINGH.**

PRESENT: Ms. Rajwinder Kaur, Advocate for the petitioners.

RAJAN GUPTA, J. (Oral)

Case has been heard through Video Conferencing on account of COVID-19 Pandemic.

Petitioners have prayed for a writ in the nature of certiorari for quashing notice dated 10.12.2020 (Annexure P-1) issued under Section 13 (4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 read with Rule 8(1) of the Security Interest (Enforcement) Rules, 2002.

Learned counsel has submitted that out of the loan of ₹ 19,70,256.20 availed by the petitioners, ₹ 6 lakhs have already been paid. The Bank ought to have granted more time to enable the petitioners to repay the amount.

A perusal of the paper-book shows that possession notice (Annexure P-1) has also been issued under the relevant provisions of the Act.

On a query being put to learned counsel as to the maintainability of the writ petition under Article 226 of the Constitution, no clear answer is forthcoming. Needless to say that the proceedings of this nature are governed by Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

We, thus, find no ground to interfere in the writ jurisdiction.
Dismissed.

(RAJAN GUPTA)
JUDGE

March 18, 2021
gbs

(KARAMJIT SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No