

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

112

**CWP-6028-2021 (O&M)
Date of Decision :16.3.2021**

Yuvraj Mahajan and another

..... Petitioners

Versus

M/s. Intec Capital Ltd. And others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present : Ms. Aashna Gill, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari to set aside/quash the demand notice dated 20.12.2017 (Annexure P-7) issued under Section 13 (2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act') as well as the possession notice dated 5.4.2018 (Annexure P-8) issued under Section 13(4) of the SARFAESI Act by respondent No.3 and to set aside the order dated 29.12.2020/2.2.2021 (Annexure P-9) passed by the Additional District Magistrate, SAS Nagar, Mohali under Section 14 of the SARFAESI Act.

2. Today, learned counsel for the petitioners has stated that petitioners had moved an SA before the respondent No.3 in the year 2018 but because of the COVID-19 situation the matter has not progressed. As per her, even as late as February 2021 the representative of respondent

No.1 had expressed interest in settling the case but it is not following up the matter even thereafter despite the petitioners being very keen to settle this whole dispute in one and all.

We put it to the learned counsel why this prayer could not be moved in the pending SA before respondent No.3. She has stated that the case has not progressed at all before respondent No.3 and that is why prayer has been made by way of writ petition.

In the circumstances, we deem it appropriate to dispose of this writ petition with a direction to the petitioners to raise their claim in the pending SA before the respondent No.3 with a direction to respondent No.3 to decide the same within a period of two months from the date of the presentation made by the petitioners in accordance with law.

Since the main case has been decided, the pending application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

16.3.2021
anuradha

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