

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6567-2021 (O&M)
Date of decision : 22.03.2021

M/s Boutique Weddings

...Petitioner(s)

Versus

Canara Bank and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Puneet Jain, Advocate for the petitioner(s).

JITENDRA CHAUHAN J. (ORAL)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

This writ petition under Articles 226/227 of the Constitution of India has been filed, *inter alia*, seeking quashing of E-Auction/Sale notice published on 23.02.2021, whereby, the mortgaged property of the petitioner i.e. Booth No.10, Industrial Area, Phase-I, Chandigarh, measuring 24.75 sq. yds. has been put to sale for 26.03.2021; possession notice dated 03.12.2019, along with all consequential proceedings initiated under the SARFAESI Act; and to direct the respondents to cull out the loan account of the petitioner from the status of NPA and re-instate it as standard asset.

Learned counsel contends that the loan account of the petitioner has been declared NPA retrospectively, w.e.f. 30.06.2016, solely on the basis of inspection conducted by statutory auditor in the year 2018-2019. Further, the action of the respondents in declaring the account of the petitioner as NPA is perverse to the norms set by the Reserve Bank of India in Master Circular dated 01.07.2015. Further submits that the petitioner has approached the Debts Recovery Tribunal by filing interim application (Annexure P-6), in which notice has been issued to the respondent-Bank vide order dated 09.03.2021 (Annexure P-7). The next date for filing reply and arguments is 26.03.2021. The petitioner apprehends that as the Tribunal is not regularly functioning and the bids are to be submitted by 25.03.2021, in case, the matter is not taken up on 26.03.2021, the application filed by the petitioner would become infructuous.

Heard.

It is to be noticed that learned Debts Recovery Tribunal is already seized of the matter. The petitioner has approached this Court merely on the apprehension that the matter may not be taken up by learned Tribunal on the date fixed, however, learned counsel has neither been able to satisfy us as to the foundation of such apprehension nor has laid challenge to any order passed by learned Tribunal.

Therefore, we feel that it is not the appropriate stage for us to intervene as the matter is already pending adjudication before the competent forum. As such, we dismiss the instant petition as not maintainable, at this

stage.

Dismissed.

(JITENDRA CHAUHAN)
JUDGE

(VIVEK PURI)
JUDGE

22.03.2021
atulsethi

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No