

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

CWP No.11843 of 2021

Date of Decision:-23.07.2021

Lukesh Tayal & Ors.

.....Petitioners.

Versus

Bank of Baroda & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE GIRISH AGNIHOTRI**

Present:- Mr. Mrigank Sharma, Advocate for the Petitioners.

Mr. Umang K. Khosla, Advocate for Respondent Nos. 1 & 2.

JASWANT SINGH, J.(ORAL)

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

The facts projected in the present writ petition being vague and confusing, Mr. Umang K. Khosla, Advocate appearing for the respondent Nos.1 & 2-Bank of Baroda was directed to file a reply detailing the correct sequence of facts as also the position with regard to various OTS Policies.

At the time of hearing today, an Affidavit dated 22.07.2021 of Sh. Anil Bhardwaj, Authorised Officer of the Bank has been filed in Court which also does not meet our requirements.

After great effort in examining the reply, the following position emerges:-

- (i) *M/s ONS Traders (petitioner no.4) is a proprietorship concern of Mr. Parveen Tayal (petitioner no.2), which had availed a CC limit of Rs.20 lacs, which was*

declared NPA on 30.09.2019. Parveen Tayal had furnished Collateral security of a Flat No.203 Block E, Imperial Residency, Peer Mochalla, Zirakpur (Punjab) owned by him. The said mortgaged flat concededly stands auctioned and sale certificate issued on 6.5.2021 after following the procedure provided under the SARFAESI Act, 2002. The registry of the same has also been completed on 5.7.2021.

(ii) *M/s Shoe Planet (petitioner No.5) is a proprietorship concern of Mr. Lukesh Tayal (Petitioner No.1) which had availed a CC limit of Rs.26 lacs and Flat No.104, First Floor, Tower G. Imperial Residency, Peer Mochalla, Dera Bassi, M.C. Zirakpur owned by petitioner no.2 (Parveen Tayal) was offered as a Collateral Security. This Account was declared as NPA on 30.06.2021. The said property was sold on 25.03.2021 and and Sale Certificate was issued on 6.5.2021. Registry of the said property was done on 5.7.2021.*

(iii) *Mr. Parveen Tayal (petitioner no.2) and his wife Ms. Neha Rani (petitioner no.3) had availed 3 house loans against the aforesaid two properties i.e. Flat Nos.104 & 203 mentioned above as Collateral securities. The said three house loans were declared as NPA on 31.01.2020. The two Collateral properties already stand sold as described above by following due procedure.*

In view of the aforesaid factual position, learned Counsel for the petitioners prays for permission to withdraw the present petition to enable his clients to seek their remedy before the DRT, if available, in accordance with law.

Dismissed as withdrawn with aforesaid liberty.

**(JASWANT SINGH)
JUDGE**

**(GIRISH AGNIHOTRI)
JUDGE**

July 23, 2021
Vinay

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