

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.17288-2020

Date of Decision:17.02.2021

Sudhir Kumar

...Petitioner

Versus

Central Bank of India and others

...Respondents

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

Present: Mr. S.K. Tripathi, Advocate for the petitioner.

Mr. Gaurav Goyal, Advocate for the respondents-Bank.

JASWANT SINGH, J. (ORAL)

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

The petitioner is a proprietor of M/s Chanchal Infrastructure Company, which had been extended the Cash Credit Limit facility to the extent of Rs.70 lacs as on 31.01.2014 by the Central Bank of India, Gurugram. The said Cash Credit Limit account was declared NPA on 22.07.2018. The proceedings under the SARFAESI Act, 2002 were initiated for an amount of Rs.72,06,608.66/- due as on 25.04.2019. After initiation of proceedings under Section 13 (2)(4) of the SARFAESI Act, the petitioner was extended the benefit of the special OTS Scheme 2020-21 vide sanctioned letter dated 29.05.2020 (P-4), whereby he was required to pay a sum of Rs.47,38,000/- in a scheduled manner as per the Scheme. Since the proprietorship concern / petitioner did not adhere to the terms of sanctioned letter (P-4), an order dated 15.09.2020 (P-8) was passed by the District Magistrate, Gurugram, on the application moved by the Bank under

Section 14 of the SARFAESI Act, directing the assistance for taking over physical possession of secured asset, i.e. Plot measuring 365 square yards, comprised in Khasra No.10213/2964/2, 10214/7318, 5495/2965/1 situated in Dhanwapur Road, Laxman Vihar, Sector-4, Gurugram.

By filing the present writ petition, the petitioner was seeking a direction for permitting the repayment as per the OTS sanctioned letter (P-4) while seeking the quashing of order (P-8) passed by the District Magistrate, Gurugram.

This Court vide order dated 16.10.2020, stayed the proceedings in the event of deposit of a sum of Rs.5 lacs by the petitioner within a one week from the order dated 16.10.2020. The order dated 16.10.2020 reads as under:-

“For the failure to deposit the 10% of the OTS amount on 08.08.2020, in terms of the sanctioned letter dated 18.07.2020 (P-7), the physical possession has been ordered to be taken, although, the OTS scheme is operative till 20.01.2021.

It is urged that the petitioner is ready and willing to deposit the installment(s) due on 08.08.2020 with interest.

Notice of motion for 12.11.2020.

In the event of deposit of a sum of Rs.5 lacs within a one week from today, further proceedings shall remain stayed till the next date of hearing.”

At the time of resumed hearing, learned counsel for the respondents-Bank states that neither the terms of the conditional order dated 16.10.2020 nor the terms of the OTS sanctioned have been complied with leading to the only inference that the petitioner is adopting delay tactics to frustrate the lawful claims of the Bank.

In response, learned counsel for the petitioner states that his

client has refused to correspond or contact him in spite of due intimation of the previous order.

Faced with the aforesaid development, we have no option but to dismiss the present writ petition. Accordingly, the present writ petition stands dismissed on account of total lack of *bonafide* on the part of the petitioner.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

17.02.2021
mks

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