

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1420-2022

Date of Decision: 31.01.2022

(Through VC)

M/s NKB Infrastructure P.Ltd. & Ors.

.....Petitioners

V/s.

Union of India & Ors.

.....Respondent

CORAM: **HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO.**
HON'BLE MR. JUSTICE HARMINDER SINGH MADAN

Present: Mr. Aalok Jagga, Advocate and
Mr. Diwan Sharma, Advocate for the petitioners

Mr. SP Jain, Additional Solicitor General of India with
Mr. Alok Kumar Jain, Sr.Panel Counsel
for respondent No.1&4

Mr. Anand Chhibbar, Sr.Advocate with
Mr. Sumit Batra, Advocate for respondents No.2&3

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M.S. RAMACHANDRA RAO, J. (Oral)

Notice of motion.

Mr. Alok Kumar Jain, Sr.Panel Counsel for respondent
No.1&4 and Mr. Sumit Batra, Advocate for respondents No.2&3 take
notice.

Heard learned counsel for the parties.

Though several contentions are raised in the Writ Petition but
the limited contention of counsel for the petitioners is that since in the impugned
notice (P-11) dt. 24.12.2021 properties belonging to the petitioners located
in the State of Rajasthan are also included for sale by the second respondent
Bank and since the DRT, Jaipur is functioning, the petitioners be permitted
to withdraw the SA-5-2022 and SA-708-2017 by it before the DRT-II
Chandigarh with liberty to file SA before DRT Jaipur. It is further requested

that the Court fee paid for filing of SA-5-2022 may also be refunded to the petitioners.

Counsel further states that there being no Presiding Officer in the DRT Chandigarh, the petitioners are not able to make such request before it and the petitioners are forced to approach this Court in view of the order passed by the Supreme Court in WP(C) No.502 of 2021 dt. 16.12.2021 which permitted the High Courts to entertain the matters arising under the SARFAESI Act, 2002 in view of the absence of Presiding Officers in DRTs and DRAT.

Having regard to the said submission made by counsel for the petitioners, the Writ Petition is disposed of permitting the petitioners to withdraw SA-5-2022 and SA-708-2017 on the file of DRT-II Chandigarh with liberty to file the fresh SA under Section 17 of the Act before DRT Jaipur.

We are making it clear that we are not making any opinion on the merits of the contention of either parties.

The Court fee paid for filing of SA-5-2022 only, be refunded to the petitioners.

Disposed of.

(M.S. RAMACHANDRA RAO)
JUDGE

(HARMINDER SINGH MADAAN)
JUDGE

31.01.2022
Ess Kay/vishal

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