

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

CWP No. 2075 of 2020

Date of Decision: July 13, 2022

HDB Financial Services Ltd.

...Petitioner

Versus

Additional District Magistrate, Ludhiana and others

...Respondents

**Coram: Hon'ble Mr. Justice M.S. Ramachandra Rao
 Hon'ble Mr. Justice H.S. Madaan**

Present:- Ms. Sanamjeet Kaur, Advocate for the petitioner.

Mr. Pankaj Gupta, Additional Advocate General, Punjab.

M.S. Ramachandra Rao, J. (Oral)

In this Writ Petition, petitioner financial institution is challenging the order dt.08.01.2020 passed by the Additional District Magistrate, Ludhiana (respondent No. 1) in exercise of powers conferred upon him under Section 14 of the SARFAESI Act, 2002.

Vide the impugned order the 1st respondent had dismissed the application filed by the petitioner financial institution under Section 14 of the SARFAESI Act, 2002 on the ground that the petitioner had not complied with Section 26-D of the said Act. The said provision of law has admittedly come into operation only w.e.f. 24.1.2020, and was not in operation on the date when the 1st respondent passed the impugned order on 8.1.2020/9.1.2020.

Also it is not in dispute that on 18.1.2020 the charge in favour

of the petitioner financial institution has been registered, and in proof thereof report of the Central Registry of Securitisation Asset Reconstruction and Security Interest of India (Annexure P-8) has been filed.

Having regard to these facts and circumstances, the impugned order is set aside, and the matter is remitted back to the 1st respondent for fresh consideration to pass orders afresh within three weeks from the date of receipt of a copy of this order after hearing the petitioner, and any other party.

No costs.

(M.S. Ramachandra Rao)
Judge

(H.S. Madaan)
Judge

July 13, 2022

P.Singh

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No