

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

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CWP-3646-2021

Date of decision: 13.12.2022

NAZAR SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- None for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

Mr. Rohit Sud, Advocate
for respondents No.4 & 5.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus directing the private respondents-finance companies not to recover/repossess the vehicle in question bearing Registration No.PB-06-AK-1912 by use of illegal force.

It is averred in the petition that the petitioner had purchased the said truck after availing loan from the respondent non-banking finance company after availing a loan facility of Rs. 31.07 lakhs and that he has been regular in deposits of his instalments. An amount of more than Rs. 13 lakhs has already been deposited, however, the petitioner suffered financial constraints due to the COVID-19

pandemic and became regular in repayment of the same. The respondent No.4 deliberately reflected inflating figures in the statement of account and rather extorting the petitioner to pay the said amount. The guidelines of the Reserve Bank of India prevent the non-banking finance companies from resorting to undue harassment and botheration of the borrowers in their efforts to effect recovery of the outstanding amounts and that there is every likelihood of the respondent non-banking finance company deputing its musclemen to take possession of vehicle by taking possession of the vehicle by taking recourse to illegal means.

Learned counsel for the private respondents, however, without prejudice to his rights to raise all issues and also without admitting the maintainability of the petition in the present form and to be raised in an appropriate proceeding, lest the undertaking given here be read as adjudication on the said issues, contends that he has instructions to state that the private respondents shall not indulge in illegal/unlawful use of force for seeking recovery of outstanding amount, if any and/or in taking forcible repossession of the vehicle in question and that in order to make the recovery and/or repossession, the private respondents shall take recourse to the appropriate and efficacious remedy/procedure available with the company in accordance with law.

In view of the aforesaid statement made on behalf of the private respondents-finance companies and without commenting anything on the merits of the case, the present petition stands disposed of at this stage.

Needless to mention that the private respondents-finance

companies shall remain bound by the statement made by their counsel today in Court.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 13, 2022

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No