

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

261-3

CWP-26053-2021 (O&M)
Date of Decision: 27.09.2022

M/S AMRITSAR GOLDEN FREIGHT CARRIER

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Karan Bhardwaj, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

Mr. Sandeep Suri, Advocate
for respondents No.4 and 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-05V-7464 by use of illegal force.

Learned counsel for the petitioner contends that the proceeding initiated by the private respondents/non-banking private finance companies by forcible recovery of the vehicles is contrary to the guidelines issued by the Reserve Bank of India and further that the Appellate Grievance Redressal Forum, so prescribed as per the guidelines, does not properly address the grievances espoused by the petitioner/borrower.

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, learned counsel for the petitioner does not press the instant petition at this stage.

Accordingly, with the consent of the parties and without commenting anything on the merits of the case, the present petition stands disposed of as not pressed 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.

27.09.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No