

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

132

CWP-29982-2022

Decided on : 23.12.2022

Piramal Capital & Housing Finance Limited

.....Petitioner(s)

Versus

District Magistrate Gurugram & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr.Sidhi Bansal, Advocate
Ms.Ridhi Bansal, Advocate for the petitioner (s).

Ms.Palika Monga, DAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition is for issuing directions to the official respondents to execute the order dated 17.05.2022 (Annexure P-5) which has been passed under Section 14 of the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (for short, the '2002 Act') against private-respondents No.3 to 6.

Counsel for the petitioner submits that the said respondent No.3 Satish Kumar Yadav had approached this Court in CWP-22976-2022 filed by, whereby vide order dated 30.09.2022 (Annexure P-8), they were directed to pay a sum of Rs.3 crores to respondent No.2 therein within 6 weeks from the said date. The order was conditional that no coercive action will be taken against the said petitioner in that case and in any default of the compliance of the order, the same would stand vacated.

It is submitted that there was a default and an application bearing CM-19389-CWP-2022 was filed for the grant of interim relief (Annexure P-10 Colly.) wherein it was admitted that the said amount had not been paid within the fixed time-frame and that the interim order stood vacated.

Resultantly, prayer made was that interim stay be granted which was withdrawn before the Co-ordinate Bench on 07.12.2022 (Annexure P-11) with liberty to move afresh. It is thus submitted that private respondents are delaying the issue of possession and the State is also not taking action.

Notice of motion.

Ms.Monga accepts notice on behalf of respondents No.1 & 2.

It is pointed out that notice has already been issued on 13.12.2022 (Annexure P-12) by respondent No.2 that possession of the mortgaged property is to be delivered on 31.01.2023.

Keeping in view the above, we are of the considered opinion that on account of the large outstanding amount which is now stated to be Rs.8,29,63,150.04 as per Annexure P-13, the State is directed to take effective steps to implement the said order on 31.01.2023 as it proposes to do, subject to any interim orders, if any, passed in favour of the private-respondents.

With the above directions, the present writ petition stands disposed of.

(G.S. SANDHAWALIA)
JUDGE

23.12.2022

Sailesh

Whether speaking/reasoned :
Whether Reportable :

(HARPREET KAUR JEEWAN)
JUDGE

Yes
No