*Neutral Citation No. 2023:PHHC:065957-DB*

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

**(213)** **CWP-2222-2023**
**Decided on :08.05.2023**

Mejar Singh @ Major Singh and others
……Petitioner(s)

Versus

Reserve Bank of India and others
……Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**
**HON'BLE MR.JUSTICE GURBIR SINGH**

Present: Mr. H.S. Dhindsa, Advocate for the petitioner (s).

Ms. Deepika Mittal, Advocate for respondent-Bank.

Mr. Navneet Singh, Sr. DAG, Punjab.

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**G.S. Sandhawalia, J. (Oral)**

Challenge in the present writ petition filed under Article 226/227 of the Constitution of India is to the securitization proceedings and also to the order of the Tribunal, wherein the interim relief was not granted in SA No.97 of 2022 on 14.06.2022 (Annexure P-3).

2. While issuing notice of motion on 22.02.2023, the petitioner was asked to deposit a sum of ₹8 lakhs by 31.03.2023 against the outstandings of ₹17 lakhs. The said order reads as under:-

> "Counsel submits that the loan facility had been availed of under the customer ID of Mejar Singh @ Major Singh the sole proprietor of petitioner No.5-John Caterer which otherwise stands duly registered as an MSME unit. Counsel further adverts to the document at Annexure P-1 which would indicate the product code/name as MSME business funding issued by the creditor bank.
>
> *Inter alia* contends that petitioner No.5 i.e. John Caterer is an MSME unit and the creditor bank had not referred the matter to the duly designated committee for restructuring of the loan account as per mandate of the RBI circular dated 17.03.2016 (Annexure P-5). It is

brought to our notice that the outstanding amount as of date would be Rs.17,00,000/- approximately.

Notice of motion returnable for 08.05.2023. Undertaking of the Mejar Singh @ Major Singh proprietor of petitioner No.5-MSME Unit and who is present in Court is recorded to the effect that a sum of Rs.4,00,000/- would be deposited within a period of one week from today and a further sum of Rs.4,00,000/- on or before 31.03.2023. Dis-possession as regards the mortgaged property which is in the nature of a residential house shall remain stayed till the next date of hearing.

It is made clear that in case the afore-noticed amounts are not deposited within the stipulated time frame, the interim protection shall automatically cease to operate."

3. Keeping in view the fact that substantial amount has been deposited against the outstandings, we are of the considered opinion that the petitioner is entitled for the interim relief, which shall continue till 31.07.2023. Liberty is given to the petitioner to file an appropriate application, whereby the Tribunal can fix the terms for continuation of the interim protection and in case he wishes to settle the account as claimed under the OTS or regularization etc.

4. The present writ petition stands disposed of, accordingly.

**(G.S. SANDHAWALIA)**
**JUDGE**

**(GURBIR SINGH)**
**JUDGE**

**08.05.2023**
*Naveen*

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|---|---|---|
| Whether speaking/reasoned : | ✓Yes | No |
| Whether Reportable : | Yes | ✓No |