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

**CWP-3748-2023(O&M)
Date of Decision:27.02.2023**

M/S Punjab Service Centre .... Petitioner

Versus

Bank of Maharashtra ...... Respondent

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE SANJIV BERRY**

***

Present: Mr. Aalok Jagga, Advocate for the petitioner.

Mr.Gaurav Goel, Advocate and
Mr.Navjit Singh, Advocate for the respondent-bank.

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TEJINDER SINGH DHINDSA, J.

The instant petition was filed raising *inter alia* the following prayers:-

> *i) issue writ in the nature of certiorari quashing notice dated 13.10.2022* ***(ANNEXURE P-13)****, 16.12.2022* ***(ANNEXURE P-17)****, issued by Respondent Bank under Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.*
>
> *ii) It is still further prayed that this Hon'ble Court may be pleased to issue a writ in the nature of mandamus, directing the Respondent Bank to constitute rehabilitation committee in terms*

of Clause 3.3 of RBI Guidelines dated 17.03.2016 ***(ANNEXURE P-19)*** *titled as 'Framework for Revival and Rehabilitation of Micro, Small and Medium Enterprises (MSMEs)' and consider the proposal dated 16.01.2023 (Annexure P-18) of the petitioner for restructuring of the account for which the petitioner is fully eligible and till such time no coercive action may be taken against the petitioner."*

On the previous date of hearing a complete copy of the writ paper book had been furnished to Mr.Gaurav Goel, counsel for the respondent-bank and he had been directed to complete instructions.

During the course of resumed hearing today, counsel for the respondent-bank, on instructions from Chief Manager, ARB, Bank of Maharashtra, Sector 17, Chandigarh, informs us that the impugned possession notice at Annexure P-17 refers to an earlier demand notice dated 06.07.2021 issued under Section 13 (2) of the SARFAESI Act, 2002 and the same suffers from an infirmity inasmuch as the notice dated 06.07.2021 did not even survive as a subsequent notice dated 13.10.2022 under Section 13 (2) of the Act had been issued. He submits that it is a typographical error. The possession notice at Annexure P-17 would now be withdrawn and further proceedings would be initiated in accordance with law.

Insofar as the prayer reproduced at (ii) here-in-above, counsel for the petitioner makes a statement that after withdrawal of the possession notice at Annexure P-17 the matter would be referred to the Rehabilitation Committee in terms of clause 3.3 of the RBI Guidelines dated 17.03.2016 at Annexure P-19 titled as 'Framework for Revival and Rehabilitation of

Micro, Small and Medium Enterprises (MSMEs)' and which in turn would consider the proposal dated 16.01.2023 (Annexure P-18) as per law.

Statement is accepted.

In the light of such categoric stand taken on behalf of the bank nothing survives for adjudication in the instant petition.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(SANJIV BERRY)
JUDGE

27.02.2023
sunita

Whether speaking/non speaking Yes/No
Whether reportable/non reportable Yes/No