

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

129

2023:PHHC:041357-DB

CWP No. 4880 of 2023
Date of Decision: 21.03.2023

M/s. Monica Freshway Food Pvt. Ltd. and others

.....Petitioner(s)

Versus

Reserve Bank of India and another

....Respondent(s)

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

Present: Mr. Harkirat S. Jagdev, Advocate,
for the petitioners.

None for the caveator-Bank.

G.S.SANDHAWALIA, J. (Oral)

Prayer in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to direct respondents No.1 and 2 to decide the representation dated 12.01.2023 (Annexure P-11) in a time bound manner. Resultantly, directions are sought that the refund of the additional amount be made by respondent No.2 which it has recovered by selling the mortgaged properties vide sale notice dated 16.08.2022 (Annexure P-9) alongwith interest @ 18% from the date of sale of properties i.e. 21.09.2022.

Though the bank is on caveat, but counsel has not put in appearance.

We have gone through the representation dated 12.01.2023 (Annexure P-11), which would go on to show that the sale of the three properties was for a total sum of Rs.3,29,50,000/- and the dues of the bank are stated to be Rs.2,45,29,297.28/-. It is in such circumstances, the present writ petition has been filed seeking the refund of the excess amount.

2023:PHHC:041357-DB

reply as such is not needed from the respondent No.2-Bank as decision making is yet to take place. Accordingly, respondent No.2-Bank shall take a decision on the representation dated 12.01.2023 (Annexure P-11) within a period of 4 weeks and after giving opportunity of hearing to the petitioners. In case the amount is to be refunded, the needful be done within a period of 2 weeks thereafter. In case the relief is to be declined, a reasoned order be passed alongwith the calculations as to how the amount is not due and the said order be communicated to the petitioners so that they are at liberty to challenge the same.

The writ petition stands disposed of with the aforesaid observations.

(G.S. SANDHAWALIA)
JUDGE

21.03.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No