

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

(134)

CWP-5203-2023

Decided on: 21.03.2023

Vikas Goyal

....Petitioner(s)

Versus

Debts Recovery Tribunal-III, Chandigarh and others

.... Respondent(s)

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

Present: Mr. Pankaj Gupta, Advocate for the petitioner(s).

G.S. Sandhawalia, J.(Oral)

In the present writ petition filed under Articles 226/227 of the Constitution of India challenge has been made to the Sale Notice dated 28.12.2022 (Annexure P-6), whereby an amount of ₹90 lakhs is sought to be recovered which was due on 03.07.2018. Properties have been put for e-auction by the said notice.

It is to be noticed that on an earlier occasion the petitioner was successful to the extent that he had filed CWP No.29266 of 2022, wherein on account of the mandate of Rule 9 (1) of the Security Interest (Enforcement) Rules, 2002 and the gap of 30 days not being available, the sale notice had been withdrawn by the Bank, once it had been put to the notice of the Bank by the Coordinate Bench, vide order dated 19.12.2022 (Annexure P-4). Apparently, thereafter a fresh notice was issued on 02.01.2023 (Annexure P-5) wherein the publication was done earlier on 30.12.2022 that the property would be auctioned on 06.02.2023.

Counsel for the petitioner has tried to convince us that the delivery of the notice was not effected till 11.01.2023 while referring to Annexure P-7, the tracking record of the courier company.

We are not convinced with the said argument, since apparently the notice could not be delivered as the petitioner was not available from 03.01.2023 till 11.01.2023. Thereafter, the petitioner again approached this Court and filed CWP No.3609 of 2023 and he was given liberty to avail of the alternate remedies in accordance with law, vide order dated 22.02.2023 (Annexure P-10). The Tribunal has passed the order dated 02.03.2023 (Annexure P-12) whereby it has declined to grant any interim relief as such.

Apparently nothing has been averred to show the bonafides against the outstanding of ₹9 lakhs. We, thus, do not feel that it is a fit case to exercise the extra-ordinary writ jurisdiction, since the matter is already pending before the Tribunal. Accordingly, there is no merit in the present writ petition and the same is dismissed

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

21.03.2023
Naveen

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No