

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(135)

CWP-5388-2023

Decided on : 21.03.2023

Gurpreet Kaur

.....Petitioner(s)

Canara Bank and another

.....Respondent(s)

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

Present: Mr. Harinderpal Singh, Advocate for the petitioner (s).

Mr. Rakesh Gupta, Advocate for the respondent-Bank.

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 14.02.2023 (Annexure P-11) whereby the secured property was put on sale on account of the fact that ₹1,82,03,922.04 which was due on 17.03.2023 has not been paid. The reserve price was fixed @ ₹1,46,00,000/-. On 17.03.2023 the following order was passed:-

“Learned counsel for the petitioner submits that the petitioner is willing to deposit an amount of Rs.10 lacs with the respondent-Bank before 21.03.2023. He will file an affidavit of the petitioner giving the time schedule within which the entire outstanding amount would be deposited.

To come up on 21.03.2023.

Today, an affidavit has been filed on behalf of the petitioner, wherein the deponent has stated that he is ready to pay a sum of ₹10 lakhs through Cheque dated 12.04.2023, which may be adjusted in one time settlement scheme.

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It is apparent that the petitioner has also approached the Tribunal as per order dated 09.02.2023 (Annexure P-9) and the case is now fixed for 20.04.2023.

In such circumstances, we are of the considered opinion that in the absence of any bonafide attempt to pay some amount, the present writ petition is not liable to be entertained, keeping in view the fact that there is an alternative and efficacious remedy available under Section 17 of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002, which the petitioner has already availed off.

Dismissed.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

21.03.2023
Naveen

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