

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

122

2023:PHHC:070826-DB

CWP-5484-2023

Date of Decision: 16.05.2023

M/s. Raman Traders

.....Petitioner(s)

Versus

Punjab and Sind Bank

....Respondent(s)

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

Present: Mr. Pankaj Bains, Advocate,
for Mr. Sahil Goel, Advocate,
for the petitioner.

Mr. Gaurav Goel, Advocate,
for the respondent-Bank.

G.S.SANDHAWALIA, J. (Oral)

1. Challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to the securitization proceedings including the sale notice dated 06.03.2023 (Annexure P-4).

2. On 23.03.2023, the following order was passed:-

“A perusal of the Section 13 (2) notice dated 09.08.2022 (Annexure P-1) would go on to show that Rs.74,23,962.89 was due w.e.f. 31.07.2022. Apparently the petitioner had also approached the Debts Recovery Tribunal on account of the possession notice having been issued on 16.11.2022 (Annexure P-2), which was dismissed on 27.01.2023 (Annexure P-3) in the usual manner by the Presiding Officer of the Tribunal on account of the fact that there is a delay of 21 days.

Mr. Gaurav Goel having a copy of the writ petition has very fairly pointed out that at present the

outstandings are approximately Rs.80 lakhs and if Rs.14 lakhs are paid, the account can be regularized.

Counsel for the petitioner prays for time to produce the demand draft of the said amount on the next date of hearing.

Mr. Gaurav Goel has further pointed out though the auction is slated for tomorrow but no concrete offer has been received as on date.

In such circumstances, we are of the considered opinion that no case is made for grant of any interim relief.

Adjourned to 20.04.2023.”

3. Thereafter, the matter was taken up on 20.04.2023 and the following order was passed:-

“A written request for an adjournment has been circulated by learned counsel for the petitioner, on the ground that the counsel is suffering from viral fever.

In the interest of justice, adjourned to 11.05.2023.

It is to be noticed that the earlier order dated 23.03.2023 has not been complied with by furnishing of the demand draft.

It is made clear that there is no interim order operating in favour of the petitioner.

4. Thereafter, the matter was taken up on 11.05.2023 and the demand draft was not furnished. Today also, counsel is not in a position to comply with the earlier orders.

5. Keeping in view the above and since the impugned order of the Tribunal has been passed by the Debt Recovery Tribunal in the normal circumstances, it will be liable to be challenged before the Debt Recovery Appellate Tribunal under Section 18. Thus, we are of the considered opinion

jurisdiction. The writ petition stands disposed of with liberty to the petitioner to approach the Appellate Tribunal.

(G.S. SANDHAWALIA)
JUDGE

16.05.2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No