

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 6296 of 2023(O&M)
Date of Decision:12.07.2023

Satveer Singh

.....Petitioner

Versus

State Bank of India and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. B.K.Majoka, Advocate
for the petitioner.

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

LISA GILL, J(Oral).

1. Prayer in this writ petition is for quashing ex-parte order dated 31.01.2023, Annexure P-3, passed by respondent no.2, while exercising powers under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act'), whereby taking physical possession of the residential house of the petitioner with the help of police was ordered. There is further prayer for direction to respondent no.1 not to act till decision of the OA pending before the learned Debt Recovery Tribunal-II, Chandigarh.

2. When this writ petition was taken up on 24.03.2023 by the Coordinate bench, it was directed that a draft of ₹20,00,000/- be brought by the petitioner on the next date of hearing in order to show his bona fides. Needful was not done and last opportunity was afforded on 19.04.2023 to comply with the previous order. Still on 05.07.2023, when the matter was

taken up for hearing, order dated 24.03.2023 had not been complied with.

The following order was passed on 05.07.2023:-

“Last opportunity had been granted to comply with order dated 24.03.2024. Needful has still not been done.

At fervent request of learned counsel for the petitioner, adjourned to 12.07.2023.

In case, order dated 24.03.2023 is not complied with till the said date, this writ petition shall automatically stand dismissed.”

3. Today, learned counsel for the respondent, on instructions from Mr. D.S.Bisht, Manager, SARB-II, SBI Delhi, submits that order dated 24.03.2023 has still not been complied with.
4. Learned counsel for the petitioner is unable to deny the same. Demand draft of ₹20,00,000/- is not available even today.
5. Writ petition accordingly stands dismissed.

(LISA GILL)

JUDGE

(RITU TAGORE)

JUDGE

July 12, 2023.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.