

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(140)

CWP-7136-2023

Decided on : 11.04.2023

M/s Pee Pee Agro Industries Pvt. Ltd.

.....Petitioner(s)

Versus

Chief Manager, Bank of Baroda

.....Respondent(s)

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

Present: Mr.Keshav Pratap Singh
and Mr.Rajat Singh, Advocate for the petitioner (s).

Mr.C.S.Pasricha, Advocate
and Mr.S.K.Bhardwaj, Advocate, for the respondent-Bank.

G.S. Sandhawalia, J. (Oral)

1. Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India, is to the auction sale notice dated 24.03.2023 (Annexure P-12) whereby the immoveable property which is stated to be measuring 32 kanals 4 marlas has been put to auction on 12.04.2023.

2. It has been brought to our notice and it is not disputed that in pursuance to the securitization proceedings, the outstanding was Rs.4,80,49,564.95 as on 31.03.2023, which would be clear from the earlier auction which was fixed for 16.03.2023 (Annexure P-4) and the reserve price was then fixed at Rs.5,48,00,000/- which included plant and machinery. Petitioner repeatedly approached this Court in CWP-3231-2020, CWP-1386-2022 whereas CWP-18589-2022 is stated to be pending

for 20.07.2023.

3. A perusal of the various orders would go on to show that the two writ petitions had been withdrawn as the sale could never fructify. It is pointed out that the plant and the machinery have already been sold for Rs.1,45,00,000/- and CWP-18589-2022 is pending regarding this aspect which would be clear as per the order dated 23.08.2022 which reads as under:

“Challenge in the instant petition is to the auction/sale notice dated 03.08.2022 Annexure P-11 and P-12 issued by the respondent-Bank of Baroda.

Mr.Bhupinder Ghai, learned counsel at the very outset makes a statement that even though the impugned notice refers to movable as also immovable properties but he is confining the scope of the instant petition only Re : movable property i.e. plant and machinery.

Categoric assertion made by counsel is that the hypothecation of the plant and machinery was only against a term loan and which already stands settled on 13.06.2017.

Notice of motion returnable for 19.10.2022.

In the meanwhile it is directed that the auction proceedings pertaining to the movable property i.e. plant and machinery may go on but the final bid be not accepted without leave of this Court.”

4. Challenge to the possession and auction of immoveable property was not pressed in the said case. It is now stated that the land is sought to be sold at the reserved price of Rs.4,50,00,000/- approximately and the outstandings are in the tune of Rs.5,70,00,000/- approximately. It is further pointed out that on account of the litigation initiated, the sale regarding the moveable property had not been confirmed. It is pointed out that another two writ petitions bearing CWP-2497 & 5548-2023 had also been filed which were also dismissed since the auction proceedings never

5. In such circumstances, we are of the considered opinion that the petitioner always has a right to challenge the auction proceedings if the same takes place and can always agitate for his grievances by producing a buyer who is willing to pay more than the auction purchaser. The remedy would lie firstly before the Tribunal under Section 17 of the Securitisation and Reconstruction of Financial Assets and Security Interest Act, 2002. In such circumstances, keeping in view the overall track record of the petitioner, we are not inclined to step in at this point of time as it would adversely affect the auction which is now fixed for tomorrow, especially keeping in view the fact that no tangible amount has also been produced to show the bona fides of the petitioner.

6. Accordingly, we are not inclined to exercise our extraordinary writ jurisdiction under Article 226 of the Constitution of India and resultantly, the present writ petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

11.04.2023
Sailesh

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