

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

CWP No.9672 of 2023

Date of decision: 12.05.2023

Poonawalla Housing Finance Limited

..... Petitioner

versus

Additional District Magistrate Ludhiana and others

..... Respondents

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

Present:- Mr. Vipul Dharmani, Advocate with
Mr. Paru Gupta, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

G. S. SANDHAWALIA J. (ORAL)

1. Challenge in the present writ petition is to the order dated 28.03.2023 (Annexure P-6) passed by the Additional District Magistrate, Ludhiana whereby the application under Section 14 of the Securitization & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act) has been returned.

2. The reason for rejecting the application is that the complete details of property of the ownership details provided in the affidavit could not be given by the authorized officer. Even the authorized officer who had issued the notice under Section 13(2) of the SARFAESI Act was different and resultantly, liberty has been given to file a fresh application after removing the defects.

3. We have gone through the paper book and find that the reasoning given as such by the District Magistrate, Ludhiana cannot be said to be without any basis and Section 13(4) notice also does not specify, who is the authorized officer and the name is also not indicated. Similarly, there is a notice of property being described as H. No.1B Rishi Nagar, Hambran Road, Ludhiana in the notice whereas the mortgaged property is described by way of a location situated in village Haibowal Khurd, Abadi Maharishi Balmik Nagar, Tehsil & District Ludhiana.

4. In such circumstances, we are of the considered opinion that since liberty has been granted to file a fresh application under Section 13(4), it is for a valid reason as the District Magistrate has not been able to record his satisfaction as provided down under the Second proviso of the Section and as held by the Division Bench judgment of this Court in '**Allahabad Bank vs. District Magistrate, Ludhiana**', 2021 (4) RCR (Civil) 571.

Disposed of.

(G. S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

12.05.2023

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whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No