

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

148

CWP No.9868-2023
Date of Decision: 10.05.2023

M/S BONSDAG INDUSTRIES PVT. LTD.

..... Petitioner

Versus

DISTRICT MAGISTRATE, GURUGRAM AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Rahul Sharma, Advocate for the petitioner.

Mr. Aman Bahri, Addl.AG, Haryana.

Mr. Akshay Bhan, Senior Advocate with
Mr. Aman Bansal, Advocate for respondent No.3.

Mr. Karan Nehra, Advocate for respondent No.4.

G.S. SANDHAWALIA, J (ORAL)

1. Mr. Rahul Sharma, Advocate for the petitioner submits that since the challenge is to the securitization proceedings including the order of the District Magistrate dated 20.11.2020 (Annexure P-13), which has already been enforced by virtue of interim order passed in CWP No.27121 of 2022, he prefers to withdraw the present petition with liberty to agitate all his grievances on the basis of a claim to be tenant in the property in view of the provisions of Section 17 under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,2002.
2. Needless to say that we are not dilating on the issue of the tenancy in the order passed in the writ petition filed by the bank since it is not a matter of consideration.

3. Dismissed, with the above said liberty.
4. The status report by the District Magistrate, Gurugram has already been filed in compliance of the earlier order, wherein it has been mentioned that there are 172 applications under Section 14 of the SARFAESI Act pending before the office of District Magistrate, Gurugram and 446 new applications under Section 14 of the SARFAESI Act have been filed by the Banks/Financial Institutions. It has, however, been averred that only 03 applications remain pending before the concerned deponent. The particulars of those 03 cases have been given as already ordered. It has been further averred that the said cases would be decided within a period of 15 days. The concerned Naib Tehsildar has been directed to provide the relevant information, which has not been received due to paucity of time.
5. Keeping in view the above stand of the District Magistrate, Gurugram, he is further directed that the information, which is to be supplied in the connected matter, which is coming up on 22.05.2023, shall also contain the details of orders under Section 14 passed by the Chief Judicial Magistrate, Gurugram whereby advocates have been appointed to takeover the possession with the help of the Naib Tehsildars. The report shall also be inclusive of those applications, which are still pending inspite of orders have been passed by the Chief Judicial Magistrate, to give out the true picture of how much public money is held up in district Gurugram.

(G.S. SANDHAWALIA)
JUDGE

(GURBIR SINGH)
JUDGE

10.05.2023
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Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO