

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(138)

CWP-10407-2023

Decided on : 15.05.2023

AU Small Finance Bank Ltd.

.....Petitioner(s)

Versus

District Magistrate, Ludhiana and others

.....Respondent(s)

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

Present: Ms.Deepika Mittal, Advocate for the petitioner (s).

Mr. Navneet Singh, Sr.DAG, Punjab.

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition filed under Articles 226 of the Constitution of India is for issuance of direction to respondent Nos.2 & 3 to give the physical possession of the secured property in view of the order passed by the District Magistrate, Ludhiana dated 18.07.2022 (Annexure P-3) under Section 14 of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002. The private-respondents have also filed CWP-21633-2022 which was disposed of on 09.05.2023. Said order reads as under:

“In the present writ petition filed under Article 226/227 of the Constitution of India challenge has been made to the securitization proceedings including the notice issued under Section 13 (2) of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short ‘2002 Act’) wherein a sum of Rs.14,54,179/- only was sought to be recovered.

2. On 20.09.2022 the following order was passed:-

“Notice of motion for 15.12.2022.

Ms. Deepika Mittal, Advocate has appeared on behalf of respondents No. 1 and 2 and filed vakalatnama in the Court, the same is taken on record and seeks time to file reply. May do so on or before the next date of hearing with copy in advance to the counsel opposite.

Subject to the petitioners depositing Rs.5 lakhs in the first respondent-Bank in a 'no lien account' within two weeks, the settlement/restructuring request made vide Annexure P-3

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by the petitioners shall be considered by the respondents No. 1 and 2, and a decision thereon be communicated to the petitioners.

In default of compliance with this order, this order shall stand vacated. If the said amount is deposited, the petitioners shall not be dispossessed from the secured asset till the next date of hearing.”

3. Counsel for the respondent-Bank has submitted that even the said amount was not deposited. Counsel for the petitioner is not in a position to controvert the said fact. Neither any application has been filed stating that the said amount was deposited with the Bank nor any affidavit has been filed in compliance of the said order.

4. Keeping in view the above, we are of the considered opinion that since the order was conditional and the lifeline which has been granted to the petitioner by this Court was not availed, therefore, the petitioner is not entitled for any further indulgence. Resultantly, the present writ petition is dismissed.”

2. Notice of motion.
3. Mr.Navneet Singh accepts notice on behalf of respondent Nos.1 to 3.
4. Accordingly, keeping in view the limited prayer, we do not deem it fit to issue notice to the private respondents. Resultantly, keeping in view the above, no plausible reason is left for the official respondents not to implement the said order dated 18.07.2022. Let needful be done and a status report be submitted by respondent Nos.1 to 3 before the Registrar General, within 4 weeks.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

15.05.2023
sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No