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2023:PHHC:145074-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18172-2022 (O&M)

Date of decision: 15.11.2023

Vaneet Kansal

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Sandeep Jain, Addl. AG, Punjab.

Mr. Akshay Bhan, Sr. Advocate with
Mr. Rohit Nagpal, Advocate,
Mr. Harsh Vasu Gupta, Advocate
for respondents No.3 to 5.

LISA GILL, J. (ORAL)

1. Prayer in this writ petition is for setting aside notice dated 02.09.2021 (Annexure P-3) under Section 13(2) and possession notice(s) dated 15.11.2021 (Annexures P-8 & P-9) under Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') issued by respondents No.3 & 4.

2. Relief claimed in this writ petition is admittedly qua an Asset Reconstruction company and a private non-banking housing finance

company.

3. Learned counsel for the petitioner is unable to deny that this matter is squarely covered against the petitioner in view of judgment of Hon'ble the Supreme Court in **Phoenix ARC Private Limited Vs. Vishwa Bharati Vidya Mandir and others, 2022 (1) R.C.R. (Civil) 888.**

4. In view of above, present writ petition is dismissed with liberty to petitioner to avail statutory remedy/remedies as available to him in accordance with law.

5. Pending application(s), if any, stand disposed of accordingly.

[LISA GILL]
JUDGE

[RITU TAGORE]
JUDGE

15.11.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No