

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

105 and 106

2023:PHHC:097850-DB

**RA-CW-230-2023 (O & M) and RA-CWP-255-2023 (O & M) in
CWP-5198-2020 and
RA-CW-256-2023 (O & M)
CWP-7347-2023
Date of Decision: 28.07.2023**

Bank of Baroda

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

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

Present: Mr. Brijesh Nandan, Advocate,
for the review-applicant/respondent Nos.4 to 7.

Mr. Sahil Soi, Advocate,
for the non-applicant/petitioner/Bank.

Mr. V.G. Jauhar, Addl. A.G., Punjab.

G.S.SANDHAWALIA, J. (Oral)

Delay Applications in Both the Cases

1. Applications for condonation of delay of 24 days and 10 days in filing the review applications are allowed, in view of averments made in the applications and in view of the nominal delay.

2. Delay condoned.

3. CMs. stand disposed of.

Review Applications

4. The present order shall dispose of three review applications RA-CW-230-2023 (O & M) and RA-CWP-255-2023 (O & M) in CWP-5198-2020 and RA-CW-256-2023 (O & M) CWP-7347-2023.

5. The present review applications have been filed by the borrowers

in pursuance of CWP-5198-2020 and CWP-7347-2023 filed by the Bank.

The Additional District Magistrate, Ludhiana has already passed a specific order on 23.06.2023 under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short 'the Act') annexed as Annexure P-18 in RA-CW-256-2023 in CWP-7347-2023 in pursuance to our directions while setting aside the earlier order which was subject matter of challenge by the bank. The said order also gives the necessary protection of the mortgaged property to the extent that is provided under Section 31 of the 2002 Act. It has also been brought to the notice of this Court that the bank has also filed separate application to recover its dues before the Debt Recovery Tribunal.

6. Therefore, we are of the considered opinion that no ground for review of the order is made out as such since CWP-7347-2023 has been dismissed while noting the huge outstandings which are due to the tune of Rs.5,42,35,128.69/- as on 30.04.2019. The said view has been taken while relying upon the precedents of the Apex Court that writ petitions would not be maintainable.

7. In such circumstances, counsel could not argue or bring to the notice of this Court that the orders passed which are subject matter of review suffer from any infirmity by which we can have a re-look at the said orders.

8. Accordingly, the review applications stand dismissed.

(G.S. SANDHAWALIA)
JUDGE

28.07.2023
shivani
Whether reasoned/speaking
Whether reportable

(HARPREET KAUR JEEWAN)
JUDGE
Yes
No