

2023:PHHC:102491-DB
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-14722-2023
Date of Decision: August 08, 2023

SUBE SINGH AND ANOTHER Petitioners

Versus

**AUTHORIZED OFFICER/ATTORNEY HOLDERS EQUITAS
SMALL FINANCE LTD. AND OTHERS** Respondents

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

Present: Mr. Manoj Kumar Taya, Advocate for the petitioners.
Mr. Nitin Thatai, Advocate for respondents No. 1 and 2.
Mr. Deepak Grewal, DAG, Haryana.

LISA GILL, J.

1. Prayer in this petition is for setting aside declaration of the account of the petitioners Non-Performing Asset (NPA); notice dated 24.01.2022 (Annexure P4) under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’); order dated 22.06.2022 (Annexure P3) under Section 14 of SARFAESI Act passed by District Magistrate, Karnal as well as order dated 28.06.2023 (Annexure P5) passed by respondent No. 5 fixing the date of taking over possession.

2. Notice of motion had been issued in this case on 14.07.2023 while taking note of reliance of the petitioners on the pendency of CWP-9887-2023, wherein it was stated that an identical issue is involved i.e. whether proceedings under the SARFAESI Act could have been taken by

respondents No. 1 and 2, in view of notification dated 24.02.2020 and 12.02.2021. It was directed that subject to deposit of Rs.1,00,000/- on 15.07.2023 itself and another sum of Rs.1.50 lakhs within the next ten (10) days, dispossession of the petitioners would remain stayed till today and that in case of non-compliance, this order will automatically stand vacated.

3. Learned counsel for respondents No. 1 and 2 points out that amount in terms of order dated 14.07.2023 has not been deposited. Moreover, notifications dated 24.02.2020 and 12.02.2021 are not applicable to respondents No. 1 and 2, which has been notified as 'small Bank' on 30.06.2016. Furthermore, petitioners have efficacious alternate remedy under the SARFAESI Act for redressal of their grievances.

4. Keeping in view the facts and circumstances as above, this petition is dismissed with liberty to the petitioners to avail the remedy/remedies available to them in accordance with law.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

August 08, 2023

rts

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