

2023:PHHC:094352-DB
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
141

CWP-15840-2023

Date of decision: July 25, 2023

PRAVEEN SHARMA AND ANOTHER

.....PETITIONERS

Versus

STATE OF HARYANA THROUGH NAIB TEHSILDAR AND OTHERS

.....RESPONDENTS

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

Present: Mr. Varun Dutta, Advocate,
and Mr. Veer Vikrant Singh, Advocate,
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Aman Bansal, Advocate,
for respondent No. 2.

LISA GILL, J. (ORAL)

1. Prayer in this writ petition is for setting aside notice dated 04.07.2023 (Annexure P-1) issued by the Naib Tehsildar-cum-Executive Magistrate, Wazirabad pursuant to order dated 12.03.2019 passed by the District Magistrate, Gurugram under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short-'SARFAESI Act').

2. It is submitted that fraud has been committed qua the petitioners and they are in fact victims thereof. Reference is made to FIR No. 0389 dated 26.08.2019, which was registered. However, learned counsel for respondent No. 2-Bank points out that a closure report in this

FIR has been submitted on 05.08.2022.

3. Admittedly, the petitioners have filed NDN/11229/2018 (SA) ODN/432/2018, which is pending before the learned DRT-I, Delhi. Petitioners have also filed an interim application i.e. IA No. 24 of 2020 in the pending OA No. 2490 of 2018 filed by the respondent-Bank before the learned DRT-II, Chandigarh.

4. Keeping in view the facts and circumstances of the case, we find no ground whatsoever to interfere in this writ petition in exercise of jurisdiction under Article 226 of the Constitution of India on the basis of SEBI report dated 18.10.2022 (Annexure P-3), which has been pressed into service by the petitioners as proceedings under the SARFAESI Act would remain unaffected by orders passed under SEBI Act, 1992. Learned counsel for the petitioners is unable to point out anything to the contrary.

5. Writ petition is, accordingly, dismissed with liberty to the petitioners to pursue their remedy before DRT, Delhi and Chandigarh, in accordance with law.

(LISA GILL)
JUDGE

July 25, 2023
PJ

(RITU TAGORE)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*