

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CWP-20401-2022

Decided on : 20.04.2023

Smt. Indu Gupta and others

.....Petitioner(s)

Versus

District Magistrate, Chandigarh and another

.....Respondent(s)

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

Present: Mr. S.S. Bajaj, Advocate for
Mr. Aalok Jagga, Advocate for the petitioner (s).

Mr. Sanjeev Ghai, Advocate, Mr. Abhinav Sood, Advocate and
Mr. Vardaan Malhotra, Advocate for respondent No.1.

Mr. Gaurav Goel, Advocate for the respondent-Bank.

G.S. Sandhawalia, J. (Oral)

Counsels are agreed that the present writ petition has been rendered infructuous, since against the interim order dated 08.09.2022 the matter was taken to the Apex Court by the Bank in **SLP (C) No.20013 of 2022** and the amounts had not been paid, which had led to the dismissal of the appeal before the Apex Court on 13.03.2023 and resultant dismissal of the writ petition also. Said order reads as under:-

“Heard the learned counsel appearing for the petitioner and the learned senior counsel for the respondents.

The order dated 16th January, 2023 reads thus:

"Learned senior counsel for the respondent(s) on instruction states and undertakes to this Court that in order to facilitate settlement of the accounts of the Bank, an amount of rupees two crores will be deposited with the Bank within six weeks from today i.e. one crore within two weeks and another one crore within four weeks thereafter. He submits that if he fails to deposit this amount, he will seek no

further consideration and the petition filed by him before the High Court will stand dismissed.

We take the aforesaid statement on record making the respondent conscious of the fact that there will be no further indulgence in this behalf.

List on 13th March, 2023."

Admittedly, the statement of the respondent(s) recorded in the aforesaid order has not been complied with by depositing the second instalment of the sum of Rs.1,00,00,000/- (Rupees one crore).

In view of what is recorded in the said order, the respondents are precluded from making further submissions.

By the impugned order, the High Court has restrained the petitioner-Bank from taking any coercive action against the respondents herein including the auction of the secured asset of the respondents for recovery of its dues.

In view of partial non-compliance of this Court's earlier order dated 16th January, 2023 by the respondents, the petition filed by the respondents in the High Court stands dismissed. Therefore, the interim relief granted by the High Court in the impugned order stands vacated. Hence, it is not necessary to pass any further directions in this petition. It is accordingly disposed of.

Pending application, if any, also stands disposed of."

Keeping in view the above, the present writ petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

20.04.2023
Naveen

Whether speaking/reasoned :	✓Yes	No
Whether Reportable :	Yes	✓No