

**253-a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-20570-2022

Date of Decision: October 05, 2023

**M/S BHAI INDUSTRIES PVT LIMITED (FLOUR MILLS) AND
OTHER Petitioners**

Versus

PUNJAB NATIONAL BANK AND ANOTHER Respondents

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

Present: Mr. Aalok Jagga, Advocate for the petitioners.

Mr. C.S. Pasricha, Advocate and
Mr. Sushil K. Bhardwaj, Advocate for respondent – Bank.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside sale notice dated 20.08.2022 (Annexure P13); notice dated 16.07.2020 (Annexure P8) under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’); notice dated 17.09.2020 (Annexure P9) under Section 13(4) of SARFAESI Act; order dated 22.04.2022 (Annexure P10) under Section 14 of SARFAESI Act passed by learned Additional District Magistrate, Moga as well as notice dated 16.06.2022 (Annexure P11).

2. Admittedly, SA-144-2022 filed by the petitioners is pending adjudication before learned DRT-III, Chandigarh. Notice in the said SA was accepted by learned counsel for the respondent – Bank on 07.09.2022 and question of interim relief as prayed for by the petitioners was left open in order to provide fair opportunity of hearing to both parties.

3. During the course of arguments, it is agreed between the parties that petitioners shall file appropriate application before learned DRT-III, Chandigarh within the next ten (10) working days for preponement of the hearing of SA, which is now listed for hearing on 13.01.2024, especially in respect to the interim relief as sought by the petitioners.

4. Learned counsel for the respondent – Bank submits that for the said period of ten (10) days, no further coercive steps shall be taken.

5. Keeping in view the aforesaid, this writ petition is disposed of without any expression of opinion on the merits of the matter and even entertainability thereof, with liberty to the petitioners to file appropriate application before learned DRT-III, which would consider the application as may be filed by the petitioners besides the question of grant or otherwise of interim relief to the petitioners. In case of any order adverse to the petitioners, they are at liberty to avail the statutory remedy available to them in accordance with law.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

October 05, 2023
rts

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