

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

CWP-22573-2022
Date of decision: 14.11.2023

Radhey Shyam

....Petitioner

Versus

Punjab and Sind Bank and another

...Respondents

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Sukhdeep Singh, Advocate
for the petitioner.

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

LISA GILL, J. (ORAL)

Prayer in this writ petition is for setting aside notice dated 12.02.2020 (Annexure P-1) issued under Section 13 (2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002 Act and auction notice dated 30.08.2022 (Annexure P-4).

2. It is submitted that loan facility was availed of by petitioner in the year 2015 for the purpose of construction of his house. It is further submitted that due to outbreak of pandemic COVID-19, petitioner lost his job and due to financial indiscipline, his account was declared Non-Performing

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Assets (NPA). Proceedings under the SARFAESI Act were initiated against petitioner with notice(s) under Sections 13 (2) and 13 (4) of the SARFAESI Act being issued.

3. Present writ petition was filed by petitioner, challenging proceedings under the SARFAESI Act. Notice of motion was issued on 29.09.2022 by Coordinate Bench. It was further directed that subject to petitioner depositing a sum of Rs.1,30,000/- with respondents by 04.10.2022 and continuing to pay future installments as and when they fell due without committing default, no coercive action would be taken against petitioner and in case of default of compliance of either of these directions, order would stand vacated.

4. Learned counsel for respondent-Bank informs that after deposit of sum of Rs.1,30,000/- by petitioner, his account was regularized, however, in the event of installments due not being deposited, petitioner's account has again been declared NPA and fresh notice under Section 13 (2) of the SARFAESI Act has been issued on 07.06.2023. Therefore, present writ petition challenging earlier proceedings is rendered infructuous.

5. Heard learned counsel for the parties.

6. Learned counsel for the petitioner is unable to deny that apart from the fact of petitioner having efficacious statutory remedy for redressal of his grievance which he may have *qua* proceedings undertaken against him under SARFAESI Act, present writ petition, in any case is rendered infructuous in view of sequence of events as narrated by learned counsel for respondents.

7. Keeping in view facts and circumstances as above, this writ

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petition is disposed of as infructuous with liberty to petitioner to avail statutory remedy available to him in accordance with law to challenge subsequent proceedings under SARFAESI Act initiated against him. There is no expression of opinion on merits of matter.

(LISA GILL)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

14.11.2023
Neha

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