

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

(106+275)

**CM-7222 & 7224-CWP-2023 in/and
CWP-23000-2022 (O&M)
Decided on :03.05.2023**

Jiwan Jot Public School Management Committee & another

.....Petitioner(s)

Versus

Clix Capital Services Pvt. Ltd. & another

.....Respondent(s)

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

Present: Ms.Ridhi Bansal, Advocate for the petitioner (s).

Mr.Nitin Jain, Advocate, for respondent No.1.

G.S. Sandhawalia, J. (Oral)

CM-7224-CWP-2023

Application for placing on record written statement on behalf of respondent No.1 is allowed in view of the averments made in the application, duly supported by affidavit. Said document is taken on record. Office to append the same at appropriate place.

CM stands disposed of.

CM-7222-CWP-2023 in/and CWP-23000-2022

1. Application has been filed by the applicant-respondent No.1 for dismissal of the writ petition being not maintainable.
2. Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India is to the securitization proceedings and also to the interim order dated 27.09.2022 (Annexure P-11) passed by the Debts Recovery Tribunal-1, Chandigarh wherein ad-interim relief was declined by noting that more than 90 days has expired since November, 2021 when the applicants had made the said payment and there was a due of Rs.1,34,10,509.05.

3. The following order was passed on 21.10.2022:

“CM-16724-CWP-2022

Application is allowed.

CM-16675 -CWP-2022

Notice in the application for 19.12.2022.

Mr.Nitin Jain, Advocate, accepts notice on behalf of respondent No.1 and seeks time to file reply, if any. May do so, on or before the next date of hearing with a copy in advance to the counsel opposite.

Subject to the applicants/petitioners paying Rs.60 lakh to respondent No.1 within *four weeks* from today, applicants/petitioners shall not be dispossessed from the secured asset. In default of compliance of this order, the same shall stand vacated.

CWP-23000-2022

Adjourned to 19.12.2022.”

4. In the written statement filed, it has been mentioned that the said order has not been complied with.

5. Keeping in view the above, since the above order which was conditional has not been complied with, we do not find any ground to continue with the writ petition since the petitioners have already availed their alternative remedy and the matter is pending before the Debts Recovery Tribunal-1, Chandigarh for July, 2023. Also keeping in view the fact that indulgence was granted on account of the fact that Rs.60 lakhs was to be deposited, which has not been done for the last six months, we feel that the present writ petition is not maintainable and the same is dismissed, as such. It is open to the petitioners to file appropriate application if it so desires to show its bonafides.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

03.05.2023
Sailesh

Whether speaking/reasoned :	Yes	
Whether Reportable :		No