

Neutral Citation No. 2023:PHHC:63648-DB
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(276)

CWP-23567-2022

Decided on :03.05.2023

Rajesh Kumar

.....Petitioner(s)

Versus

LIC Housing Board Finance Ltd. and others

.....Respondent(s)

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

Present: None for the petitioner (s).

Mr. Sumit Batra, Advocate for the respondents.

G.S. Sandhawalia, J. (Oral)

In the present writ petition filed under Articles 226/227 of the Constitution of India challenge has been made to the securitization proceedings including the enforcement order dated 14.07.2022 (Annexure P-2) passed by the District Magistrate, Jind passed under Section 14 of Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short '2002 Act').

2. A perusal of the paper-book would go on to show that the dues of ₹18,91,489.91 as payable on 04.01.2022 are sought to be recovered, as per notice dated 04.01.2022 (Annexure P-1) and the account had been declared as NPA.

3. On 14.10.2022, the following order was passed:-

“Notice of motion for 03.02.2023.

Subject to the petitioner paying a sum of Rs.7 lakhs to respondent No.1 within four weeks from today, the petitioner shall not be dispossessed from the secured asset. In default of compliance with this order, this order shall stand vacated.”

4. Mr. Batra has pointed out that the said order has not been complied with and vide letter dated 01.12.2022 the petitioner had been asked to comply with the said order. He has placed on record photocopy of the notice issued under Section 13 (4) of the 2002 Act.

5. Keeping in view the above, we are of the considered opinion that the petition is liable to be dismissed for non-compliance of the undertaking given and secondly on account of maintainability, since the notice issued under Section 13 (4) of the 2002 Act can be challenged before the Tribunal. Resultantly, the present writ petition is dismissed with the aforesaid liberty. Accordingly, interim order dated 14.10.2022 also stands vacated.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

03.05.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No