

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CWP-23964-2022

Decided on : 20.04.2023

M/s 17 Miles Hotel and Restaurant and others

.....Petitioner(s)

Versus

Punjab and Sind Bank and others

.....Respondent(s)

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

Present: Mr. Puru Gupta, Advocate for the petitioner (s).

G.S. Sandhawalia, J. (Oral)

As per the paper-book and the possession notice dated 19.08.2017 (Annexure P-18) ₹1,61,42,094 was the amount due as on 31.01.2017 qua the petitioner No.2. Similarly, regarding petitioner No.3 there is an outstanding of ₹2,41,72,574.27 which was due on 31.01.2017, as per possession notice dated 19.08.2017 (Annexure P-19). The petition has been filed by 9 entities and the common link in the petitioners is of Shri Gaurav Bhalla, who is the proprietor of the said firms. The blanket stay was granted on 21.10.2022 wherein five counsels have been recorded as present. For the last 5 months these counsels have not bothered to pay the process fee.

2. We are of the considered opinion that the petitioners have taken the advantage of the interim order. Resultantly, Keeping in view the fact that the petitioner has an alternative and efficacious remedy as such to approach the Tribunal against the notices issued under Section 13(4) of the Securitization and Re-construction of Financial Assets and Enforcement of Security Interest Act, 2002, which has been time and again laid down by the Apex Court and recently reiterated in **SLP No. 22021-22022 of 2022, M/s.**

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South India Bank Ltd. and others vs. Naveen Mathew Philip and another
decided on 17.04.2023 wherein, it has been held that only in exceptional cases, the resort as such is to be taken to Articles 226 and 227 of the Constitution of India in financial matters. Since the counsel has shown no inclination to furnish a bank draft of even 25% of the amount to show his *bona fides* of two accounts, we are not inclined to exercise our extra ordinary writ jurisdiction.

3. Accordingly, the petition stands dismissed with the aforesaid liberty. Interim order stands vacated.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

20.04.2023
Naveen

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