

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105) CM-4105-CWP-2023 in/and
CWP-25153-2022
Decided on : 24.03.2023

Kamaljit Kaur & othersPetitioner(s)
Versus

State Bank of India & othersRespondent(s)

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

Present: Mr.A.P.Singh, Advocate for the applicant/petitioner (s).

Mr.Gaurav Goel, Advocate, for the respondents.

G.S. Sandhawal, J. (Oral)

CM-4105-CWP-2023

Application for placing on record documents as Annexures P-15 to P-20 is allowed in view of the averments made in the application duly supported by affidavit. Said documents are taken on record, subject to just exceptions. Office to append the same at appropriate place.

CM stands disposed of.

CWP-25153-2022

A perusal of the paperbook would go on to show that reconsideration of the OTS is sought on 18.10.2021 (Annexure P-13). However, it is apparent that Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the 'Act') was issued way-back on 24.08.2013 (Annexure P-2) whereby demand of Rs.48,42,559.28 as interest calculated from 31.05.2013 had been raised upon the petitioners and they had been put to notice that the mortgaged property was liable to be sold.

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Apparently, thereafter, notice under Section 13(4) of the Act was also issued and subsequently, on 19.11.2016 (Annexure P-4) notice of sale of immoveable assets under Rule 8 of the Act was also issued. Same was followed up by other notices of sale dated 17.04.2017 & 24.05.2017. It is not disputed that the property had also been sold in pursuance of the said notices and the auction purchasers are not party to the writ petition and therefore, no effective relief can be granted also. At this stage, now it is too late in the day for the petitioners that the OTS should be reconsidered for them to repay the loan amount. The remedy is under Section 17 of the Act against any illegality which the Bank had committed while proceeding to recover the said amount.

In such circumstances, we are of the considered opinion that the present writ petition is not maintainable at this stage for the requisite relief which is claimed. Accordingly, the present petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

24.03.2023
Sailesh

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