

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

(210)

**2023:PHHC:161742-DB
CWP-22313-2023
Date of Decision: 16.12.2023**

M/s Angel Enterprises

--Petitioner

Versus

State of Haryana & others

--Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL.
HON'BLE MRS. JUSTICE RITU TAGORE.**

Present:- Mr. Satpal Saini-proprietor of petitioner firm in person.

Mr. Deepak Grewal, DAG, Haryana.

Mr. S.S. Kamboj, Advocate for
respondent nos.4 & 5.

Mr. Garvit Mittal, Advocate for
respondent nos.9 & 10.

LISA GILL.J (Oral)

Prayer in this writ petition is for setting aside order dated 31.08.2023 (Annexure P-27) passed by learned DRAT, whereby petitioner's appeal challenging order dated 22.06.2021 passed by learned DRT-II has been dismissed on the ground of non-compliance of condition of pre-deposit in terms of Section 18 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short SARFAESI Act).

2. Petitioner appearing in person submits that order dated 22.06.2021 (Annexure P-20) has been passed in an arbitrary manner without adverting to facts and circumstances of the case. It is submitted that S.A No.32 of 2021 filed by petitioner has been dismissed without adverting to the facts of the case. Appeal filed by the petitioner challenging said order dated 22.6.2021 has been dismissed only on the ground of non-compliance of pre-deposit.

3. Petitioner submits that he is a retired Ex-serviceman having retired on 01.04.2002 after serving the nation for about 28 years. Reference is made to the Ex-serviceman certificate dated 07.06.2002 (Annexure P-1) issued by Zila Sainik Board, Kurukshetra. It is stated that petitioner invested his entire savings for establishing a Mushroom Unit under the Mushroom Production Scheme and had taken loan facility for this purpose. Housing loan had also been taken by the petitioner. Due to late disbursement of loan amount, increase of cost of material and financial crisis, project could not be completed on timely basis ultimately leading to initiation of proceedings under SARFAESI Act.

4. It is submitted that amount of pre-deposit in terms of Section 18 should have been reduced to 25% in view of the peculiar facts and circumstances but this course was not adopted by learned DRAT with appeal filed by petitioner being dismissed on the ground of non-deposit of the amount. It is contended that petitioner is ready and willing to deposit the said amount immediately but his appeal should be heard on merits.

5. Learned counsel appearing on behalf of respondents do not raise any serious objection to amount of pre-deposit being reduced to 25% and appeal being heard on merits in accordance with law. It is not denied that petitioner is indeed an ex-service man having served the nation for about 28 years.

6. Keeping in view the facts and circumstances as above, in case 25% of debt in terms of Section 18 of SARFAESI Act is tendered before learned DRAT within next 15 working days from receipt of certified copy of this order, learned DRAT would revive Appeal No.6 of 2023 filed by petitioner and decide the matter on merits and order dated 31.08.2023 would

stand set aside.

7. Writ petition is disposed of accordingly without expression of any question on merits of the matter.

(LISA GILL)
JUDGE

16.12.2023
lucky

(RITU TAGORE)
JUDGE

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