

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24679-2023 (O&M)

Date of Decision : 03.11.2023

M/s Karnawati Enterprises

....Petitioner

VERSUS

Canara Bank and Others

....Respondents

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

Present: Mr. Rajiv Kataria, Advocate and
Ms. Neelam Choudhary, Advocate for the petitioner.

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LISA GILL, J. (Oral)

Prayer in this writ petition is for direction to the respondents to first decide representation dated 29.09.2023 (Annexure P-6) submitted by the petitioner before taking any coercive action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as 'SARFAESI Act'). There is further prayer for setting aside notice dated 11.10.2023 (Annexure P-7) issued by Tehsildar Samalkha pursuant to order dated 30.12.2022 passed by District Magistrate Panipat under Section 14 of the SARFAESI Act.

2. Petitioner has admittedly availed of loan facility from the respondent – Bank. Its account(s) was/were declared NPA and proceedings under SARFAESI Act were initiated though details thereof are not available on the file or with learned counsel for petitioner. It is submitted that One Time Settlement (OTS) had been offered qua accounts

of the petitioner, but entire amount could not be deposited in terms of the said settlement. OTS sanctioned in favour of the petitioner qua the loan accounts was thus withdrawn on 21.09.2023 (Annexure P-5). Petitioner earlier filed Civil Writ Petition No. 20983 of 2023 seeking extension of time beyond 19.09.2023 for compliance of the terms and conditions of One Time Settlement (OTS). Matter being squarely covered against the petitioner in view of judgment of Hon'ble the Supreme Court in *State Bank of India Vs. Arvindra Electronics Pvt. Ltd., 2023(1) SCC 540*, petitioner had withdrawn CWP-20983-2023 on 20.09.2023 with liberty to the petitioner to avail remedies in accordance with law. Present writ petition has been filed yet again with the prayer that petitioner's representation should be decided before taking any coercive steps under SARFAESI Act.

3. Perusal of the file reveals that no detail regarding the issuance of notices under Section 13(2) and 13(4) of SARFAESI Act is available. Notice dated 11.10.2023 was apparently issued pursuant to order dated 30.10.2022 passed under Section 14 of SARFAESI Act.

4. Learned counsel for the petitioner submits that no notice had earlier been received by the petitioner at any stage.

5. Be that as it may, there is no ground whatsoever to entertain this writ petition for the prayer as addressed i.e. a direction to respondent-Bank to first decide representation dated 29.09.2023 submitted by the petitioner and to take any action against the petitioner under SARFAESI Act only thereafter. The scheme of SARFAESI Act does not in any manner

countenance such course of action. SARFAESI Act is a complete Code in itself providing statutory remedies for any grievance which may arise from the proceedings there-under. Interference therein by High Court in such like matters has been deprecated and frowned upon by Hon'ble the Supreme Court. Gainful reference in this regard can be made to Union Bank of India vs. Satyawati Tandon and others, 2010 (8) SCC 110 and M/s South Indian Bank Ltd. and others vs. Naveen Mathew Philip and others, 2023 (2) R.C.R. (Civil) 771. No exceptional or extra-ordinary circumstance has been pointed out by learned counsel for the petitioner which calls for intereference by this Court.

6. Keeping in view the facts and circumstances of the matter, we find no ground to interfere in the present writ petition, which is accordingly dismissed with liberty to petitioner to avail statutory remedy/ies available to it in accordance with law. There is no expression of opinion on the merits of the matter.

7. Pending miscellaneous applications, if any, stand disposed of accordingly.

(LISA GILL)
JUDGE

November 03, 2023
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(RITU TAGORE)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No