

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

109

2023:PHHC:046029-DB

CWP No. 28596 of 2022 (O & M)

Date of Decision: 28.03.2023

Aruna Pathania and another

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

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

Present: Mr. Karan S. Gill, Advocate,
for the applicant-petitioners.

G.S.SANDHAWALIA, J. (Oral)

CM-2840-CWP-2023

Application for placing on record Annexure A-4 is allowed,
subject to all just exceptions.

The same is taken on record.

CM stands disposed of.

CWP No. 28596 of 2022

Challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is primarily to the notice issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest, Act, 2002 (in short 'the 2002 Act') whereby, a sum of Rs.6,85,826/- was stated to be outstanding vide possession notice dated 28.05.2019 under the said Act. Similarly, Rs.2,36,674/- was also outstanding as per possession notice dated 23.07.2020 (Annexure P-5). As per the statement of accounts now placed on record as Annexure A-4, there are at least three accounts in which EMIs are overdue to the tune of

Rs.9,62,646/-, Rs.63,698/- and Rs.2,39,706/-.

Counsel for the petitioners has very fairly conceded that the outstandings are approximately in the range of Rs.50,00,000/- with interest. It is also to be noticed that an application bearing SA/143/2022 filed by petitioner No.1 is already pending before the DRT-III wherein, while declining the interim relief on 07.09.2022, the matter was further posted for 12.10.2022.

In such circumstances, once the matter is already pending before the Tribunal, we are of the considered opinion that it would not be appropriate for us to open up a second front of litigation to look into the same issues as apparently there is also an order under Section 14 of the 2002 Act passed by the District Magistrate, Bathinda on 24.11.2022. Counsel has submitted that he is willing to deposit some amount to show his *bona fides*.

We are of the considered opinion that the said exercise can also be conducted before the Tribunal, if the petitioner so desires.

Accordingly, the writ petition stands disposed of on account of the fact that there is an alternative remedy and which has already been availed of.

(G.S. SANDHAWALIA)
JUDGE

28.03.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No