

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

CWP-29507-2022

DATE OF DECISION: 12.04.2023

SOM DUTT SHARMA AND ANOTHER

.....PETITIONERS

VS.

**HDFC BANK, 2ND FLOOR, INDIAN EXPRESS BUILDING, 9-10
BAHADURSHAH ZAFAR MARG NEW DELHI, ITO NEW DELHI-
110002 THROUGH ITS REGIONAL MANAGER AND OTHERS**

.....RESPONDENTS

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

Present: Mr. Rahul Makkar, Advocate,
for the petitioners.

Mr. Abhinav Sood, Advocate, and
Ms. Deepika Sood, Advocate,
for the respondents-Bank

G.S.SANDHAWALIA, J. (ORAL)

1. The challenge is to the auction notice dated 18.11.2022 (Annexure P-7) whereby the mortgage property was sought to be sold, possession of which was taken on 26.07.2018.

2. A perusal of the paper-book would go on to show that notice dated 14.06.2016 (Annexure P-1) was issued under Section 13 (4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the Act') and the possession was sought to be taken under Section 14 of the Act, and this Court had been approached by way of Civil Writ Petition bearing No. 7439-2018.

3. That petition was disposed of vide order dated 23.05.2018 (Annexure P-3) and certain leverage had been given to the petitioners that

they could approach the Bank for One Time Settlement (OTS) and which was to be done within two weeks, failing which the Bank was free to proceed in accordance with law.

4. We are of the considered opinion that the Bank is only proceeding to sell the property in accordance with law. The remedy of the petitioners lies before the Tribunal to challenge any of the illegalities in the possession notice as it has now been pointed out that the auction did not fructify.

5. Resultantly, we are of the considered opinion that the present petition has been rendered infructuous.

6. Disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

April 12, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No