

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

**CM-811-CWP-2023 in/and
CWP-29616-2022(O&M)
Date of Decision:23.01.2023**

Satish Oswal

..... Petitioner

versus

**Additional District Magistrate, Ludhiana
and others**

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. Rahul Sharma, Advocate for the petitioner.

Mr.V.M.Gupta, Addl. AG, Punjab.

Mr.Manish Jain, Advocate for respondent No.2-Kotak
Mahindra Bank Ltd.

Mr. Shreenath A.Khemka, Advocate for respondent No.3.

TEJINDER SINGH DHINDSA, J. (ORAL)S

CM-811-CWP-2023

Instant application is at the hands of the respondent-Kotak Mahindra Bank Ltd. seeking dismissal of the main writ petition on the ground that an efficacious alternate remedy is available to the petitioner in terms of approaching the Debts Recovery Tribunal.

Notice in the application.

Mr.Rahul Sharma, learned counsel for the petitioner/non-applicant is present in Court and accepts notice.

A complete copy of the application already stands furnished.

Counsel for the petitioner/non-applicant does not oppose the prayer made in the application.

In view of the above and by recording consent of counsel for the parties, the date in the main writ petition is preponed from 23.03.2023

and the same is taken up on board today itself.

Application disposed of.

Main case

Challenge in the instant petition is to the order dated 09.12.2022 (Annexure P-16) passed by the 1st respondent i.e. District Magistrate, Ludhiana while exercising jurisdiction under Section 14 of the SARFAESI Act, 2002.

Counsel for the petitioner makes a statement at the bar and seeks withdrawal of the writ petition so as to avail of his remedy by approaching the Debts Recovery Tribunal.

Prayer is allowed.

Writ petition is disposed of as withdrawn.

It is clarified that we have not examined the issue on merits. Further directed that in case the petitioner approaches the Debts Recovery Tribunal within a period of 10 days from today, the matter would then be dealt with on merits without raising objection on limitation.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(SANJIV BERRY)
JUDGE

23.01.2023
sunita

Whether Reasoned/Speaking : Yes/No
Whether Reportable : Yes/No