

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

110

2023:PHHC:046093-DB

CWP No. 30023 of 2022
Date of Decision: 28.03.2023

Seema

.....Petitioner(s)

Versus

HDFC Bank and another

....Respondent(s)

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

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

Mr. Shekhar Verma, Advocate,
and Mr. Sidhant Bhonsle, Advocate,
for the respondent-Bank.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to the notice dated 25.02.2022 (Annexure P-4) issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest, 2002 (in short 'the 2002 Act') and the proceedings under Section 13(4) of the said Act whereby possession of the sole house of the petitioner has been taken.

On 10.03.2023, the following order was passed:-

“Counsel for the petitioner, on instructions from the Bank, submits that the matter has been settled under One Time Settlement Scheme for an amount of Rs. 38,00,000/-. Learned counsel for the petitioner further submits that the petitioner will deposit a sum of Rs. 19,00,000/- by today itself and the remaining amount will be paid within one week.

List on 28.03.2023.

In the meantime, auction proceedings pursuant to the auction notice dated 25.01.2023 Annexure P-7 shall remain stayed.”

Today, counsel for the petitioner has submitted that he wants more time to comply with the said undertaking.

We are of the considered opinion that the indulgence was granted on an earlier occasion and the auction proceedings were stayed. A sum of Rs.19,00,000/- and the balance amount has also not been paid.

In such circumstances, we are of the considered opinion that since there is an alternative and efficacious remedy available before the Tribunal, it is not for this Court to exercise its extra ordinary writ jurisdiction, specially once an offer was given but has not been readily availed of.

Accordingly, the writ petition stands disposed of with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

28.03.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No