

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

CWP-1390-2023 (O&M)

Date of decision: 20.02.2023

The Citizens Urban Co-op Bank Ltd.

... Petitioner

Vs.

District Magistrate, Jalandhar and others

... Respondents

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

Present:- Mr. Abhinav Gupta, Advocate for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL).

Instant writ petition is at the hands of the creditor-bank being aggrieved of the order dated 11.04.2022 (Annexure P-10) whereby the application that had been moved under Section 14 of the SARFAESI Act stands declined.

We have heard counsel for the petitioner-bank and have perused the pleadings on record.

We may notice that while dismissing the application under Section 14 of the SARFAESI Act, liberty has been granted to the petitioner-bank to file a fresh application after removing the discrepancies as pointed out in the order itself.

Mr. Abhinav Gupta, Advocate for the petitioner would submit that there would be no difficulty in moving an application afresh under Section 14 of the SARFAESI Act but for the aspect that one of the discrepancies pointed out is that the objections that had been filed by the

borrower under Section 13 (3-A) had not been decided within the stipulated period of 15 days and to the contrary has been decided after a period of almost 3.5 months.

Counsel contends that such discrepancy cannot now be cured and would still remain even if a fresh application is filed under Section 14 of the SARFAESI Act.

Since an advance copy of the writ petition already stood served upon the State, Mr. Vikas Mohan Gupta, learned Addl. Advocate General, Punjab, has entered appearance and upon instructions from the Additional District Magistrate, Jalandhar, clarifies that in the eventuality of the bank moving a fresh application under Section 14 of the SARFAESI Act, the objections with regard to the delay in deciding the objections under Section 13(3-A) would not be raised by the District Magistrate concerned and the application otherwise would be dealt with on merits.

In the light of such statement made by learned State counsel, no interference in the matter is warranted.

Petition is accordingly disposed of.

Needless to observe that the petitioner-bank if so advised may file an application afresh under Section 14 of the SARFAESI Act, in the matter.

(TEJINDER SINGH DHINDSA)
JUDGE

(SANJIV BERRY)
JUDGE

20.02.2023

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(I) Whether speaking/reasoned?	Yes/No
(II) Whether reportable?	Yes/No