

CM-20241-CWP-2023 in/and
RA-CW-406-2023 in
CWP-18318-2023

1

2023:PHHC:159329-DB

119

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

**CM-20241-CWP-2023 in/and
RA-CW-406-2023 in
CWP-18318-2023
Date of Decision: 12.12.2023**

Shyam Sunder Garg

..... Review Applicant/Petitioner

versus

Indusind Bank Limited and others

..... Respondents

**CORAM : HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Navneet Jindal, Advocate
for the review applicant-petitioner.

LISA GILL, J.(Oral)

RA-CW-406-2023

1. Prayer in this application is for review/recalling of decision dated 09.10.2023 passed in CWP-18318-2023.
2. It is pointed out by learned counsel for review applicant-petitioner that reference has been made to notice dated 05.02.2021 in para 8 of said order to be one under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') whereas said notice dated 05.02.2021 (Annexure P-3) is in fact a Sale Notice.

3. Having heard learned counsel for the review applicant/petitioner, we do not find any basis for review/recall of order dated 09.10.2023.

4. Discrepancy pointed out in para 8 of order dated 09.10.2023 is not such which entails a different decision as the basic issue involved remains the same. It is clarified that reference to notice dated 05.02.2021 should be read as reference to Annexure P-3 which is Sale Notice and reference to such notice as one under Section 13(2) of the SARFAESI Act be deleted. It is to be noted at this stage that copy of notice dated 31.05.2017 under Section 13(2) of SARFASI Act as mentioned in Sale Notice dated 05.02.2021 is not available on record. Learned counsel for review applicant on pointed query in this regard, expresses his inability to furnish a copy thereof. Para 8 of order dated 09.10.2023 to read as follows:-

“8. Having heard learned counsel for the parties and perusing the file, we do not find any ground whatsoever which calls for interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. Apart from the fact that sale pursuant to the impugned sale notice has not fructified, an efficacious remedy is indeed available to the petitioner. Perusal of sale notice dated 05.02.2021 (Annexure P-3) reveals that description of the entire property measuring 1227 sq. yards is mentioned therein. The property as detailed in para 3 of the writ petition is duly mentioned in the sale notice dated 05.02.2021 (Annexure P-3) and in order dated 08.12.2017 passed by District Magistrate, Hisar.”

5. Necessary corrigendum be added to order dated 09.10.2023 by the Registry and be duly uploaded.

6. Keeping in view facts and circumstances of the matter, application is dismissed with modification in the order as detailed above.

CM-20241-CWP-2023

7. Since review application has been decided on merits, question of limitation is rendered academic.

8. Application is disposed of accordingly.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

12.12.2023
sunita

Whether speaking/non speaking	Yes/No
Whether reportable/non reportable	Yes/No