

130 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28075-2023

Date of Decision: December 14, 2023

M/s Dhawan Traders and others Petitioners

Versus

Authorized Officer, ICICI Bank Ltd. and others Respondents

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

Present: Mr. Praagbir Singh Dhindsa, Advocate for the petitioner.

Mr. Rahul Garg, Advocate for respondent – Bank

LISA GILL, J.

1. Prayer in this petition is for quashing warrant of possession dated 07.07.2023 (Annexure P8); notice dated 16.11.2022 (Annexure P5) under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’) and notice dated 23.05.2023 (Annexure P6) under Section 13(4) of SARFAESI Act.

2. Admittedly, petitioners have filed SA-138-2023, which is pending adjudication before learned DRT-III, Chandigarh. Application seeking stay of warrant of possession dated 07.07.2023, which is also the subject matter of the present writ petition has been filed alongwith abovesaid SA, (Annexure P9).

3. At this stage, learned counsel for petitioners submits that fresh warrant of possession has been issued. Same is admittedly not on record and

neither is learned counsel for petitioners able to inform us about date of such warrant or date on which possession is to be taken pursuant to said warrant.

4. Be that as it may, there is no ground for interference in this writ petition. Liberty is afforded to petitioners to pursue SA-138-2023 filed by them and also file appropriate application in their pending SA in case of any emergent development.

5. Keeping in view the facts and circumstances as above, this writ petition is disposed of with liberty to petitioners to pursue SA-138-2023 filed by them as well as file appropriate application in case of requirement as may be.

(LISA GILL)
JUDGE

December 14, 2023
Rts

(RITU TAGORE)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No