



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

COCN No. 231 of 2017 (O&M)
Date of Decision: 09.12.2024

M/s. Girnar Impex Limited

..... Petitioner

Versus

R.P. Singh, Authorised Officer, Punjab National
Bank, ARM Branch, Site No. 5, Ferozepur Road,
Near Westend Mall, Ludhiana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Viren Jain, Advocate, for the petitioner.

Mr. N.C. Sahni, Advocate;
Mr. A.K. Khanna, Advocate and
Mr. A.K. Nanda, Advocate
for the respondent.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition, seeks initiation of contempt proceedings against the respondent, alleging willful non-compliance of an order dated 31.05.2016 (**Annexure P-1**) passed by the Hon'ble Division Bench in **CWP No. 11237 of 2016**, titled "**M/s. Girnar Impex Limited Versus District Magistrate, Ludhiana and others**", the operative para-4 thereof is extracted hereunder:-

"4. The petitioner's rights would, therefore, be safeguarded by directing that the sale, if any, shall not be confirmed and the respondent-bank shall maintain status-quo in respect of the premises till the petitioner's application for interim reliefs is decided by the District Magistrate.

The petitioner, however, shall serve a copy of this order and all the proceedings before the District Magistrate

*upon the respondent-bank personally latest by 06.06.2016.
The petitioner shall also appear before the District
Magistrate with a copy of this order on 09.06.2016. ”*

[2] Learned counsel for the petitioner submits that in terms of the aforesaid order dated 31.05.2016 (Annexure P-1) passed by the Hon'ble Division Bench, no order was ever passed by the District Magistrate Ludhiana on the application submitted by the petitioner; thus, the respondent was in direct contempt towards the aforesaid order.

[3] On the other hand, learned counsel for the respondent relies upon an order dated 28.07.2016 (Annexure R-1) passed by the District Magistrate, Ludhiana, whereby the proceedings under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (**for short “the Act”**) were culminated.

[4] I have heard learned counsel for the parties and gone through the paper-book / relevant record.

[5] There is no dispute about the fact that in terms of order dated 31.05.2016 (Annexure P-1) passed by the Hon'ble Division Bench in CWP No. 11237 of 2016, the petitioner participated in proceedings before the District Magistrate, Ludhiana. Further, a perusal of the record shows that the proceedings under Section 14 of the Act were finally disposed off by the District Magistrate, Ludhiana vide order dated 28.07.2016. In such circumstances, in true letter and spirit, the directions issued by the Hon'ble Division Bench on 31.05.2016 (Annexure P-1) stands complied with.

Also, a plea has been raised on behalf of the petitioner regarding the order dated 28.07.2016 (Annexure R-1) passed by the District

Magistrate, Ludhiana Annexure R-1 being anti-dated, however, a perusal of the paper-book nowhere corroborates the same.

[6] In view of the above, in the humble opinion of this Court, no further orders are required to be passed in the present petition, the same is **disposed off** accordingly.

[7] Rule stands discharged.

December 09, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>