

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-495-2024
Date of Decision: 10.01.2024

Sumant Kumar
..... Petitioner

Versus

Reserve Bank of India and others
..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Jagdeep Singh Rana, Advocate
for the petitioner.

LISA GILL, J.

1. Present writ petition is for setting aside notice dated 16.11.2023 (Annexure P-8) issued by Tehsildar, Badkhal, pursuant to order dated 20.01.2020 (Annexure P-3) passed by the District Magistrate, Faridabad under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act').
2. Having heard learned counsel for petitioner and perusing the file, we do not find any ground to interfere in this writ petition, at this stage.
3. Learned counsel for petitioner has sought to argue that proceedings initiated under SARFAESI Act are absolutely illegal and arbitrary. After issuance of notice dated 17.10.2018 under Section 13(2) of SARFAESI Act, no notice under Section 13(4) was ever issued and order dated 20.01.2020 was passed by District Magistrate

under Section 14 of SARFAESI Act is an absolutely illegal and arbitrary manner.

4. Admittedly, petitioner has filed S.A. No. 107 of 2021 challenging proceedings under the SARFAESI Act initiated against him by the respondent-PNB Housing Finance Limited. It is informed that this S.A. was dismissed in default on 27.10.2022. However, on an application dated 14.11.2022, S.A. has been restored to its original number and is now listed for consideration on 18.08.2024. In the given factual matrix, no ground whatsoever is made out for interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. However, petitioner is at liberty to avail the statutory remedy/remedies available to him and to pursue the S.A. filed by him in accordance with law.

5. Writ petition is dismissed with liberty as aforementioned, without any expression of opinion on the merits of the matter.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

10.01.2024

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