

126

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1340-2024(O&M)

Date of Decision:- 12.03.2024

CFM Asset Reconstruction Pvt. Ltd.

....Petitioner

Vs.

Deputy Commissioner-cum-District Magistrate and Ors.

...Respondents

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

Present:- Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. R.S.Pandher, Sr. DAG, Punjab.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside order dated 26.09.2023 (Annexure P-9) passed by learned Additional District Magistrate, Ludhiana whereby application under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act) has been returned. Operative part of order dated 26.09.2023 reads as under:-

“In the light of these facts, the affidavit of the authorized officer dated 04.02.2023 is legally defective as it is not in accordance with Proviso 1 of Section 14 of the SARFAESI Act, 2002. Therefore, in the light of the said facts, the application of the applicant financial institution is under the SARFAESI Act, 2002 is sent back to complete the necessary procedures. The

applicant can re-submit the application after completing the necessary procedures of financial institutions.”

2. Learned counsel for petitioner at this stage submits that application under Section 14 of SARFAESI Act has been resubmitted but the same is not being entertained by official respondents. However, he is unable to point out from file as to when such an application was filed neither learned counsel is able to inform us the date on which such application was sought to be filed. Relevant details are not forth coming.

3. Learned counsel for State submits that in case any such application under Section 14 of SARFAESI Act after removal of defects is resubmitted, same shall definitely be entertained by the District Magistrate/Additional District Magistrate, Ludhiana.

4. Keeping in view the facts and circumstances as above, this writ petition is disposed of with a direction that in case an application under Section 14 of the SARFAESI Act is filed by petitioner within 15 days of receipt of certified copy of this order, same be entertained and dealt in accordance with law by respondent No.1.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

12.03.2024
sunil devi

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