



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

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Date of decision: 04.09.2024

CWP-3248-2021

SURESH ARORA AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CWP-22178-2021

KOTAK MAHINDRA BANK

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

**Present:- Mr. Vaibhav Narang, Advocate
for the petitioners in CWP-3248-2021.**

**Mr. D.K. Singal, Advocate for the petitioner
in CWP-22178-2021.**

**Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 and 2 in CWP-3248-2021 and
for respondents No. 1 to 3 in CWP-22178-2021.**

**Mr. Anil Chawla, Advocate with
Ms. Garima Gupta, Advocate
for respondent No.3 in CWP-3248-2021 and
for respondent No.4 in CWP-22178-2021.**

Mr. Nitin Jain, Advocate

**CWP-3248-2021 and CWP-22178-2021**

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for respondent No. 7 in CWP-22178-2021 and
for respondent No. 5 in CWP-3248-2021.

VINOD S. BHARDWAJ, J. (Oral)

The core issue which arises in these writ petitions that have been filed by the Auction Purchaser as well as the bank is that the respondent-Municipal Corporation has kept the 'No Dues Certificate' in abeyance even though auction of the proceedings bearing Property ID No. 101C2U555P2 had been held after the same had been seized under the SARFAESI Act.

Learned counsel appearing on behalf of the petitioner-Bank informs that the borrower has unsuccessfully challenged the SARFAESI proceedings before the debt recovery tribunal and that an appeal had been preferred before the debt recovery Appellate Tribunal but there is no interim stay granted in favour of respondent No.5-borrower-Vivek Sahni

Counsel for the petitioners contend that they are now in receipt of Memo No. MCA/2024/DYMC/748 dated 14.08.2024 whereby the Municipal Corporation, Ambala has conveyed that they are willing to issue the no Dues Certificate in favour of the petitioner. They contend that on the basis of aforesaid communication, they intend to withdraw their instant writ petition at this stage so as to avail the 'No Dues Certificate' from the respondent-Corporation in light of the communication dated 14.08.2024 sent by the Municipal Corporation,



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Ambala.

The present writ petitions are accordingly disposed of as not pressed at this stage in view of the subsequent correspondence.

A photocopy of this order be placed on the file of connected case.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 04, 2024

Vishal sharma

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