

2024:PHHC:018418-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CWP-2961-2024

Date of Decision: 09.02.2024

SURINDER KUMAR MAHAJAN

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

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

Present: Mr. A. P. S. Sandhu, Advocate
for the petitioner.

Mr. Sandeep Jain, Additional A.G. Punjab.

Mr. I. P. Singh, Advocate
for the respondents (through Video Conferencing).

LISA GILL, J.(Oral)

1. Prayer in this writ petition is for quashing order dated 10.01.2024 (Annexure P-5), passed by respondent No.2 under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002 Act.

2. Grievance raised by the petitioner is that inspite of kicking in of moratorium in view of Section 96 of Insolvency and Bankruptcy Code (IBC), proceedings under the SARFAESI Act are still being continued by the respondent-Bank. Petitioner is stated to have filed a petition under Section 94 of IBC.

3. Learned counsel submits that Resolution Professional has been appointed on 08.02.2024.

4. Learned counsel for the respondent-Bank (on advance notice) on instructions from Mr. Gurmeet Singh, Branch Manager, Court Road Branch, Amritsar submits that in view of above, proceedings under the SARFAESI Act qua share of petitioner, in secured asset would be kept in abeyance and action would be undertaken in future in accordance with law. It is submitted that this writ petition is rendered infructuous.
5. Writ petition is accordingly disposed of as infructuous without expression of opinion on merits of matter or even its entertainability.

(LISA GILL)

JUDGE

(RITU TAGORE)

JUDGE

09.02.2024

Rimpal

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No