

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

254

CWP-3016-2023
Date of decision: 31.01.2024

Dinesh Kumar

..... Petitioner

V/S

District Magistrate, Faridabad and Anr.

..... Respondents

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

Present: Mr. Abhinav Bali, Advocate for petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Vineet Sehgal, Advocate for respondent No.2.

LISA GILL, J.(Oral)

1. Prayer in this writ petition is for quashing order dated 29.11.2022 (Annexure P-3) passed by District Magistrate, Faridabad under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), 2002 Act and notice dated 30.04.2021 (Annexure P-1) and 22.12.2022 (Annexure P-2) issued under Section 13(2) and 13(4) respectively of SARFAESI Act.

2. Learned counsel for respondent-Financial Institution submits that though this writ petition is not entertainable in view of judgment of Hon'ble the Supreme Court in “**Phoenix ARC Private Limited vs. Vishwa Bharati Vidya Mandir and others, 2022 (1) R.C.R. (Civil) 888**”, however, same is in any case is rendered infructuous as petitioner did not

comply with interim order dated 15.02.2023. Pursuant to which, property

in question stands auctioned on 12.07.2023 with Sale Certificate being issued on 28.07.2023.

3. Learned counsel for petitioner submits that he does not have any instructions in the matter as petitioner has not contacted him.

4. Be that as it may, we do not find any justification for continuance of present proceedings, in view of categoric statement by learned counsel for respondent – Financial Institution.

5. Writ petition is, accordingly, disposed of as infructuous with liberty to petitioner to file appropriate application within four weeks in case, any incorrect fact has been set forth before this Court.

6. Pending application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

31.01.2024

Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No