

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

CWP-6231-2022 (O&M)

Date of Decision:- 09.01.2024

SUNIL KUMAR AHUJA

...Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondents

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

Present:- Mr. Akhilesh Vyas, Advocate for the petitioner.

Mr. Sandeep Jain, Addl. AG, Punjab.

Mr. Gaurav Goel, Advocate for respondent-Bank through V.C.

LISA GILL, J.

1. This writ petition has been filed seeking setting aside of sale notice dated 25.02.2022. Further prayer is for setting aside notice dated 23.04.2019 issued under Section 13 (2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act').

2. Learned counsel for petitioner submits that admittedly petitioner has filed S.A. No.137 of 2019 titled as 'Sunil Kumar Vs. Oriental Bank of Commerce' which is pending before learned Debts Recovery Tribunal – III, Chandigarh ('DRT') for 03.04.2024. He further submits that property in question has since been auctioned by the liquidator pursuant to proceedings under the Insolvency and Bankruptcy Code, 2016 initiated by M/s Somal Pipes Private Limited. Decision dated 20.04.2023 by learned National Company Law Tribunal, Chandigarh has

been furnished in Court today. It is submitted that in view thereof, this writ petition is rendered infructuous and the petitioner may be permitted to withdraw this writ petition and pursue S.A. No.137 of 2019 filed by him before learned DRT.

3. Learned counsel for respondent – Bank verifies that property in question has been sold by the liquidator.

4. In view thereof this writ petition is dismissed as withdrawn with liberty to the petitioner to pursue S.A. No.137 of 2019 in accordance with law. There is no expression of opinion on the merits of the matter.

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

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

09.01.2024
snd

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