



260

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7660-2021

Date of Decision: 16.05.2024

Aggarwal Banquet and Resorts

..... Petitioner

Versus**State Bank of India and others**

..... Respondents

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

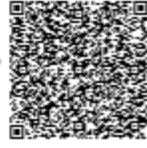
Present: Mr. Naveen S. Attri, Advocate
for Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Rahul Garg, Advocate
for respondent-Bank.

Mr. Deepak Grewal, DAG, Haryana.

LISA GILL, J.(oral)

1. Prayer in this writ petition is for setting aside reply dated 10.01.2019 to legal notice dated 20.12.2018, since the petitioner took the premises by registered lease deed dated 23.02.2017 from respondent No. 3.
2. Petitioner claims to be the lessee of premises in question i.e. secured asset with respondent-Bank, possession of which was taken by the Bank in proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Petitioner seeks release of its articles which are stated to be lying on the premises. It is asserted that said articles are not part of the secured asset. Notice of motion in this writ petition was issued by Coordinate Bench on this limited aspect.

**CWP-7660-2021****-2-**

3. Affidavit dated 01.02.2024 of Chief Manager, Stressed Assets Management Branch-1, 12th Floor, STC Building, 1 Tolstoy Marg, New Delhi has been filed on behalf of respondent No. 1-Bank, wherein it is stated that vide Attachment order No. 01 of 2020 dated 08.01.2020, the Directorate of Enforcement (ED) has attached all properties of borrower mortgaged with the Bank, including articles of petitioner which may be lying on the premises. Respondent-Bank has assailed said order before PMLA-Appellate Tribunal vide Appeal no. 4415 of 2021. It is further stated that lease deed dated 23.02.2017 was executed between petitioner and M/s SRS Real Infrastructure Ltd. (borrower) without permission of respondent-Bank.

5. Learned counsel for petitioner, in view of facts and circumstances as above, seeks to withdraw this writ petition with liberty to petitioner to avail remedy(ies) as may be available to it in accordance with law.

6. Dismissed as withdrawn with liberty as aforementioned. There is no expression of opinion on the merits of the matter.

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

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

16.05.2024*laliit*

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