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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6378-2024

Date of Decision: 18.03.2024

M/s Sheokand Bricks Company and another

..... Petitioners

Versus

Union Bank of India and another

..... Respondents

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

Present: Mr. Balwinder Singh Chahal, Advocate
for the petitioners.

Mr. Gaurav Goel, Advocate
for respondent No. 1-Bank.

LISA GILL, J.(oral)

1. Prayer in this writ petition is for setting aside notice dated 19.02.2024 (Annexure P-6) issued by respondent-Bank.

2. S.A. No. 181 of 2023, whereby petitioners challenged possession notice dated 17.08.2023 which was earlier issued, was rendered infructuous and thus withdrawn on 11.09.2023 (Annexure P-5). Notice dated 19.02.2024 was issued by respondent No. 1-Bank again for E-auction which was to be held on 14.03.2024 has been challenged in the present writ petition.

3. Auction slated to be held on 14.03.2024, it is submitted, did not fructify.

4. Learned counsel for respondent-Bank submits that present writ petition whereby challenge is to notice dated 19.02.2024, apart from not being entertainable in view of judgments of Hon'ble the Supreme Court

in Union Bank of India v. Satyawati Tandon and others, 2010(8) SCC

110 and M/s South Indian bank Ltd. and others v. Naveen Mathew Philip and another, 2023(2) RCR (Civil) 771, is in any case rendered infructuous with the auction not being successful pursuant to impugned notice. There is merit in the said submission.

5. Writ petition is accordingly disposed of as infructuous. In case, petitioners are aggrieved of any further action taken by respondent-Bank under SARFAESI Act, they are at liberty to avail remedy(ies) available to them under SARFAESI Act.

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

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

18.03.2024

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