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2024:PHHC:078221-DB



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

CWP-8969-2022 (O&M)

Date of Decision: May 30, 2024

PRITAM CHAND KHAJURIA

..... Petitioner

Versus

SBI AND OTHERS

..... Respondent

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

Present: Mr. Sukhjit Singh, Advocate for the petitioner.

Mr. Gaurav Goel, Advocate for respondent – Bank.

LISA GILL, J.

1. Prayer in this writ petition is for setting aside notice dated 11.04.2022 (Annexure P2) under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’).

2. Learned counsel for respondent - Bank while referring to short reply filed on behalf of respondent - Bank submits that this writ petition is rendered infructuous as petitioner has deposited a sum of Rs.14.32 lakhs upon which loan account was upgraded to standard asset from Non-Performing one. However, Mr. Goel on instructions from Mr. Labh Singh, Manager, SBI, SARB, Jalandhar, informs that there has been subsequent financial indiscipline on account of which petitioner's account has yet again been declared NPA. Notice(s) under

SARFAESI Act has/have been issued and proceedings under SARFAESI Act have been initiated afresh against the petitioner.

3. Learned counsel for petitioner submits that in view of above, this writ petition is indeed rendered infructuous. However, liberty be afforded to petitioner to challenge any fresh proceedings under SARFAESI Act, which may be initiated by the respondent – Bank.

4. Writ petition is, accordingly, disposed of as infructuous with liberty to petitioner to avail statutory remedy as may be available to him for challenging proceedings under SARFAESI Act as may have been initiated. There is no expression on merits of the matter.

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

(LISA GILL)
JUDGE

May 30, 2024

rts

(AMARJOT BHATTI)
JUDGE

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