

2024:PHHC:058196-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7964-2024
Date of Decision: April 29, 2024

ISMAIL AND ANOTHER

..... Petitioners

Versus

JANA SMALL FINANCE BANK AND OTHERS

..... Respondents

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

Present: Mr. Naveen Kumar, Advocate for
Mr. Imran Farooqi, Advocate for the petitioners.

LISA GILL, J.

1. This writ petition has been filed challenging notice dated 26.03.2024 (Annexure P1) issued by learned District Magistrate, Malerkotla in an application filed by respondent – Bank under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’).

2. Learned counsel for petitioners submits that proceedings under SARFAESI Act initiated against petitioners are absolutely illegally, arbitrary and in violation of applicable provisions of law. Moreover, once petitioners have submitted representation dated 26.02.2024 (Annexure P2) before respondent No.2 seeking settlement, proceedings under SARFAESI Act should be kept in abeyance. Present writ petition, it is contended, should be kept pending till said representation is decided.

3. Having heard learned counsel for petitioner, we do not find any ground for interference in this writ petition. Insofar as proceedings

under SARFAESI Act are concerned, petitioners have efficacious remedy for challenging the same in terms of specific provisions under SARFAESI Act itself. Proceedings subsequent to application under Section 14 of SARFAESI Act filed by respondent – Bank are yet to culminate. We find no ground for quashing notice dated 26.03.2024 at this stage, merely on the ground that petitioners have submitted representation before respondent – Bank seeking settlement. It is undeniable that a borrower/guarantor does not have a vested right for a One time Settlement. It is always open to parties to arrive at any mutually acceptable settlement with pendency or otherwise of this writ petition being irrelevant for said purpose. Petitioners are free to pursue the matter before respondent – Bank in this respect.

4. Writ petition is, accordingly, dismissed with liberty to avail remedy(ies) available to them in accordance with law.

5. There is no expression of opinion on the merits of matter.

(LISA GILL)
JUDGE

April 29, 2024
rts

(AMARJOT BHATTI)
JUDGE

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