

2024:PHHC:049785-DB
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8279-2024
Date of Decision: April 15, 2024

AU SMALL FINANCE BANK LTD

..... Petitioner

Versus

ADDITIONAL DISTRICT MAGISTRATE KAPURTHALA AND OTHERS

..... Respondents

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

Present: Ms. Deepika Mittal, Advocate for the petitioner.

Mr. R.S. Pandher, Sr. DAG, Punjab

LISA GILL, J.

1. Prayer in this writ petition is for direction to respondent No. 1 to decide application titled 'AU Small Finance Bank Ltd. versus Avtar Singh' filed by petitioner under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – 'SARFAESI Act').

2. It is submitted that said application was filed on 16.10.2023 in accordance with provisions of law and in complete consonance therewith but has not been decided till date. However, respondent No. 1 is not deciding the same for reasons best known to it. It is further submitted that there is no impediment for deciding the same and neither is there any stay of proceedings in favour of respondents No. 4 to 6 by any Court of competent jurisdiction.

3. Notice of motion to respondents No. 1 to 3 only, at this stage.

4. Mr. R.S. Pandher, Sr. DAG, Punjab accepts notice on behalf of respondents No. 1 to 3.
5. In view of the nature of order being passed, it is not necessary to issue notice to respondents No. 4 to 6 at this stage or call for reply on behalf of respondents No. 1 to 3.
6. Keeping in view the statutory mandate, application filed on 16.10.2023 by petitioner be decided by respondent No. 1 in accordance with law within four weeks from date of receipt of certified copy of this order.
7. Writ petition is, accordingly, disposed of.
8. There is no expression of opinion on the merits of the matter.

(LISA GILL)
JUDGE

April 15, 2024
rts

(AMARJOT BHATTI)
JUDGE

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