

233

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

CWP-10351-2022

Date of Decision: 05.03.2024

M/s Gulliver Holidays Pvt. Ltd.

..... Petitioner

Versus

Bank of Maharashtra

..... Respondent

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

Present: Mr. Varun Gupta, Advocate
for Ms. Varsha Sharma, Advocate
for the petitioner.

Mr. R.S. Bagga, Advocate
for Mr. J.S. Bagga, Advocate
for respondent-Bank (through Video Conferencing).

LISA GILL, J. (Oral)

1. Prayer in this writ petition is for directing respondent to consider and grant extension of period for deposit of amount in terms of One Time Settlement (OTS) and to further consider representation dated 28.02.2022 (Annexure P-5). There is further prayer for directing respondent to restore/handover physical possession of mortgaged property of petitioner.

2. Following order was passed on 22.12.2023 :-

“Despite learned counsel for petitioner having sought last opportunity on 03.08.2023 to address arguments, there is a request for another adjournment today. It is brought to our notice by learned counsel for respondent that a sum of Rs.53.25 lakhs in terms of order dated 16.05.2022 has not been deposited, though, it is stated by learned counsel for petitioner that it is the respondent-Bank, which did not receive the said amount.

Learned counsel for respondent, at this stage, also points out that SA No. 137 of 2022 was filed by petitioner during pendency of this writ petition. Vide order dated 18.08.2022 passed by learned Debts Recovery Tribunal-III, Chandigarh, another opportunity was afforded to petitioner to deposit the amount due but still, necessary deposit was not made. Said SA was dismissed in default on 31.08.2023. Copy of orders dated 18.08.2022 and

31.08.2023 passed by learned Debts Recovery Tribunal-III, Chandigarh, is taken on record subject to just exceptions.

In view of request addressed by learned counsel for petitioner, adjourned to 05.03.2024.

It is clarified that in view of non-compliance of order dated 16.05.2022, there is no impediment to respondent-Bank to continue with proceedings against petitioner under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.”

3. Learned counsel for petitioner submits that despite best efforts on his part, he is unable to contact the petitioner who has also not contacted the counsel. It is submitted that he has no instructions in this matter.

4. In view of above, we are left with no option except to dismiss this writ petition for non-prosecution.

5. Ordered accordingly.

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

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

05.03.2024

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