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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9279-2024

Date of Decision:- 26.04.2024

Anju Bala

....Petitioner

Vs.

State Bank of India and Anr.

...Respondents

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

Present:- Mr. Piyush Setia, Advocate for the petitioner.

Mr. Chandeeep Singh, Advocate for respondents.

LISA GILL, J.

1. Prayer in this writ petition is for directing respondent No.1 to correct the alleged clerical mistake which occurred during e-auction on 11.01.2024 due to an inadvertent mistake on the part of petitioners. It is submitted that due to this error bid of Rs.1,18,50,000/- instead of Rs.11,85,000/- was entered. Thus petitioner be permitted to deposit balance amount as per his bid i.e. 11,85,000/- after deducting EMD. There is further prayer for directing respondents No.1 to consider and decide representation dated 20.02.2024 (Annexure P-4) submitted by petitioner.

2. In view of judgment of Hon'ble the Supreme Court in ***Agarwal Tracom Private Limited v. Punjab National Bank and Ors. 2018(1) SCC 626*** wherein it has been held that act of forfeiture of earnest money deposited by secured creditor is a measure under Section 13(4) of Securitization and Reconstruction of Financial Assets and Enforcement of

Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act) and thus challengable before learned DRT under Section 17 of the SARFAESI Act, we do not find any ground for interference in this writ petition. Judgment of *Agarwal Tracom Private Limited v. Punjab National Bank and Ors.* has also been favourably referred by Hon'ble the Supreme Court in its subsequent judgment in *The Authorized Officer, Central Bank of India v. Shanmugavelu, Civil Appeal No(s).235-236 of 2024.*

3. Writ petition is accordingly disposed of with liberty to the petitioner to avail statutory remedy/ies available to him in accordance with law.

4. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

26.04.2024

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