

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(238)

2024:PHHC:048210-DB
CWP-10661-2023
Date of Decision: 09.04.2024

Birmati

--Petitioner

Versus

The Authorized Officer & others

--Respondents

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

Present:- Mr. Sahil Khunger, Advocate for petitioner.

Mr. Vijyesh Malhotra, Advocate for respondent no.1.

Mr. Deepak Grewal, DAG, Haryana.

LISA GILL.J (Oral)

Prayer in this petition is for quashing Demand Notice dated 25.04.2022 (Annexure P-1) issued under Section 13(2), possession notice dated 27.09.2022 (Annexure P-2) issued under Section 13(4), order dated 10.11.2022 (Annexure P-4) passed by District Magistrate, Kaithal and notice dated 25.04.2023 (Annexure P-5) issued by Tehsildar, Fatehpur-Pundri, District Kaithal under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short SARFAESI Act).

2. Learned counsel for respondent no.1 while submitting that though present writ petition itself is not entertainable in view of the judgement of Hon'ble the Supreme Court in case of ***Phoenix ARC Private Limited versus Vishwa Bharti Vidya Mandir and others, 2022(1) RCR (Civil) 888***, states that same in any case is rendered infructuous because pursuant to deposit of Rs.2,00,000/- by the petitioner, the account was regularized made standard due to which proceedings under the SARFAESI

Act were dropped. However, again there was default on the part of petitioner due to which notice under Section 13(2) of the SARFAESI Act has been issued on 07.10.2023 besides order under Section 14 of the SARFAESI Act passed on 28.03.2024.

3. In view of the facts and circumstances as above, this writ petition is rendered infructuous and is disposed of accordingly without expressing any opinion on the merits of the matter. In case of any grievance against fresh proceedings under SARFAESI Act initiated against the petitioner, she is at liberty to avail statutory remedy/(ies) available to her in accordance with law.

(LISA GILL)
JUDGE

09.04.2024
lucky

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No