



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

CWP-13320-2024

Date of Decision: May 29, 2024

TATA CAPITAL HOUSING FINANCE LIMITED

..... Petitioner

Versus

**DISTRICT MAGISTRATE-CUM-DEPUTY COMMISSIONER, MOGA
AND OTHERS**

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Ms. Puja Chopra, Advocate for the petitioner.

 Mr. P.S. Bhandari, AAG, Punjab.

LISA GILL, J.

1. Prayer in this writ petition is for implementation of order dated 19.12.2022 (Annexure P3) under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’) passed by Additional District Magistrate, Moga.

2. Notice of motion.

3. Mr. P.S. Bhandari, AAG, Punjab accepts notice on behalf of respondent – State. Keeping in view the nature of order being passed, it is not necessary to call for reply on behalf of respondents.

4. Learned counsel for petitioner asserts that there is no legal impediment for implementation of order dated 19.12.2022, inasmuch as Civil

Suit No. 1104 of 2020 filed by One Amanjit Singh stands dismissed in default on 05.09.2023 and no notice whatsoever for restoration thereof has been received by petitioner.

5. Learned counsel for State, on instructions from Mr. Lakshay Gupta, DRO, Moga submits that necessary action in accordance with law shall be taken on or before 30.07.2024.

6. We take note of the fact that in CWP No. 11499 of 2019 and other connected writ petitions, the State of Punjab had taken a stand that necessary compliance would be carried out in all pending matters by 30.07.2024.

7. Keeping in view facts and circumstances as above, it is directed that order 19.12.2022 passed by passed by Additional District Magistrate, Moga be implemented on or before 30.07.2024 in accordance with law and in terms of the statement made before us subject to legal impediment, if any.

8. Writ petition is accordingly, disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

May 29, 2024
Rts

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