

105 + 211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13623-2023 (O&M)
Date of Decision:- 19.01.2024

DEEPANSHU SHARMAPetitioner

Vs.

CAN FIN HOMES LTD AND OTHERS ...Respondents

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

Present:- Mr. Hemant Bassi, Advocate for the applicant/petitioner.
Mr. Deepak Grewal, DAG, Haryana.

LISA GILL, J.

1. This writ petition has been filed challenging notice under Section 13 (4) dated 09.09.2021 (Annexure P-5) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act) and subsequent order dated 25.05.2022 (annexed as Annexure P-12 with CM-18171-CWP-2023) issued under Section 14 of SARFAESI Act.
2. It is submitted that petitioner is neither borrower nor guarantor of the loan amount. He claims to be a subsequent purchaser of the secured assets. Petitioner, it is submitted, had approached respondent No.1 - Can Fin Homes Limited expressing willingness to even re-pay

the outstanding amount, however, official of respondent No.1 only seeks to illegally auction the residential house of petitioner.

3. Heard. Relief claimed in this writ petition is primarily that Can Fin Homes and petitioner has remedy (ies) for redressal of grievances in respect of proceedings under SARFAESI Act in terms of specific provisions under the said statute itself. Learned counsel for petitioner when faced with judgment of Hon'ble the Supreme Court in ***Phoenix ARC Private Limited vs. Vishwa Bharti Vidya Mandir and others, 2022 (1) RCR (Civil) 888*** seeks to withdraw this writ petition with liberty to petitioner to avail remedy/remedies available to him in accordance with law while taking all available pleas.

4. Writ petition is accordingly disposed of with liberty as prayed for.

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

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

19.01.2024
snd

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