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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14489-2024
DATE OF DECISION: 13.06.2024

HARDEEP SINGH AHLUWALIA

...PETITIONER

Versus

TATA CAPITAL HOUSING FINANCE LIMITED & ORS.

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL
HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms. Deepanshu Gupta, Advocate
for the petitioner.

SANDEEP MOUDGIL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for quashing of the impugned order dated 07.06.2024 (**Annexure P-11**), whereby the Securitization Application filed by the petitioner has been non-suited/consigned to record room by holding that the Debt Recovery Tribunal is not empowered to condone the delay while overlooking the otherwise well settled principle of law in '*M/s Oswal Spinning & Weaving Mills Ltd. Vs. UCO Bank (P&H) (DB)*' in CWP No.21519 of 2018, decided on 29.10.2018-2019(1) PLR 6 and for quashing of the impugned order dated 30.04.2024 (**Annexure P-10**), passed by Ld. Tehsildar, Khanna, for quashing of the impugned possession notice dated 07.12.2023 (**Annexure P-8**) along with impugned order dated 05.03.2024 (**Annexure P-9**) under Section 14 and impugned order dated 15.09.2023 (**Annexure P-4**) under Section

13(2) of SARFAESI Act, 2002 and from restraining the respondent No.1 to take over the possession/putting to auction or alienating the mortgaged property measuring 8.5 marla comprising in Khata No.1008/1437, Mustil No.78, Killa No.15/2/2 (6-9) as per Jamabandi 2012-13 situated at Rahun, Tehsil Khanna, District Ludhiana and 6 marlas, comprised in Khata No. 1005/1435, mustil No.78//, Kila No.13/1/3(3-14) as per Jamabandi 2012-13 situated at Village Rahaun. Tehsil Khanna, District Ludhiana.

2. After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to avail alternate remedies in accordance with law.
3. Prayer is accepted.
4. Dismissed as withdrawn with liberty aforesaid.

(SANDEEP MOUDGIL)
JUDGE

(DEEPAK GUPTA)
JUDGE

13.06.2024
Priyanka

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