



202

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

CWP-22956-2019

Date of Decision:- 10.05.2024

M/S KAY VEE IMPEX

....Petitioner

Vs.

ORIENTAL BANK OF COMMERCE

...Respondent

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

Present:- None for the petitioner.

Mr. Anil Kumar Ahuja, Advocate for respondent – Bank.

LISA GILL, J.

1. Prayer in this writ petition is for quashing notice dated 19.08.2019 (Annexure P-7) under Section 13 (4) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act').

2. Notice of motion was issued on 28.08.2019 while recording contention of learned counsel for petitioner that once objections are filed under Section 13 (3A) of SARFAESI Act, respondent – Bank or secured creditor is obliged to decide the same in one way or the other and communicate the same to petitioner. Interim relief was granted directing respondent – Bank not to take coercive steps against petitioner. However, on application seeking vacation thereof, interim order was vacated on 09.03.2021 while noting that none had appeared on behalf of petitioner.

Thereafter, following order was passed on 11.10.2023:-

“Arguing counsel for the petitioner is not present. There is a request for pass over at 3:30 P.M., which is clearly unjustified. However, in the interest of justice, adjourned to 15.01.2024 for arguments.

No further opportunity shall be granted.”

3. On 15.01.2024 file was not taken up for hearing due to paucity of time. Today, despite matter being called twice, there is no representation on behalf of petitioner who, it appears, is not interested in pursuing the matter any longer.

4. Writ petition is, accordingly, dismissed in default and for non-prosecution. In case, any incorrect fact has been placed before us, petitioner is at liberty to file appropriate application within four weeks.

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

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

10.05.2024

snd

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No