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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21875-2022

Date of Decision:- 13.02.2024

BARHAM PAL ALIAS BHARAM PAL RAWAL AND ANR

....Petitioners

Vs.

HDB FINANCIAL SERVICES LIMITED AND ANR

...Respondents

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

Present:- Mr. Rajeev Anand, Advocate for petitioners.

Mr. Vipul Dharmani, Advocate for respondent No.1.

Mr. Deepak Grewal, DAG, Haryana.

LISA GILL, J.

1. Prayer in this writ petition is for quashing order dated 06.04.2022 (Annexure P-3) issued by respondent No.2 under Section 14 Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) and for setting aside notice dated 31.03.2021 (Annexure P-1) issued under Section 13 (2) and notice dated 13.07.2021 (Annexure P-2) issued under Section 13 (4) of SARFAESI Act.

2. After arguing for sometime, learned counsel for petitioners when faced with judgments of Hon'ble the Supreme Court in *Union Bank of India v. Satyawati Tandon and others, 2010 (8) SCC 110, M/s South Indian Bank Ltd. and others v. Naveen Mathew Philip and another, 2023(2) RCR (Civil) 771 and 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 petitioners to avail remedy (ies) available to them in accordance with law. However, it is submitted that interim order dated 22.09.2022 may be directed to be continued till culmination of proceedings which petitioners would undertake within next 15 days before learned Debts Recovery Tribunal.

3. Writ petition is accordingly dismissed as withdrawn with liberty to petitioners to avail remedy (ies) available to them in accordance with law.

4. Keeping in view the fact that interim order dated 22.09.2022 in favour of petitioners has continued till date, it is directed that said order shall enure for a period of 15 days from the date of receipt of certified copy of this order, in order to enable petitioners to avail appropriate remedy (ies) as may be available to them in accordance with law. In case, petitioners file appropriate application/petition accompanied with requisite application (s), question of continuance or otherwise of interim order in petitioners' favour shall necessarily be in the realm of consideration by the appropriate Forum in accordance with law, without being influenced by any order, which may have been passed in this writ petition.

5. It is clarified that interim protection afforded to petitioners shall not enure beyond 15 working days in the absence of appropriate order by competent authority/Tribunal in accordance with law. There is no expression of opinion on merits of the matter.

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

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

13.02.2024

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No