

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

**CWP-24523-2021 (O&M)**

Date of Decision:- 08.01.2024

**NEELAM GOYAL**

....Petitioner

Vs.

**INDIAN BANK AND ANR**

...Respondents

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

Present:- Mr. Mukesh Kumar Verma, Advocate for the petitioner.

Ms. Manjari Joshi, Advocate for respondent No.1.

Mr. Sanjiv Gupta, Advocate for respondent No.2.

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**LISA GILL, J.**

1. Prayer in this writ petition is for quashing sale notice dated 11.10.2021 (Annexure P-2) and proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the SARFAESI Act), initiated by respondent-Bank.

2. Learned counsel for respondent no.1- bank and respondent no.2 - auction purchaser submit that sale in this matter was concluded on 29.10.2021 and sale certificate was issued on 15.11.2021 even prior to filing of present writ petition.

3. Learned counsel for petitioner points out that sale has been conducted in violation of specific provisions of SARFAESI Act without any notice being issued to petitioner. Complete violation of provisions of SARFAESI Act and applicable regulations is alleged.

4. Be that as it may, learned counsel for petitioner when faced with question of entertainability of this writ petition and various judgments of Hon'ble the Supreme Court including those in ***Union Bank of India vs. Satyawati Tandon and others, 2010(8) SCC 110*** and ***M/s South Indian Bank Ltd. and others vs. Naveen Mathew Philip and another, 2023(2) RCR (Civil) 771*** as well as the fact that present writ petition was entertained in December, 2021 on the premise that learned Debt Recovery Tribunal-II, Chandigarh (hereinafter referred to as 'DRT'), was not functioning at that point of time, seeks to withdraw this writ petition with liberty to petitioner to avail statutory remedy as may be available to her in accordance with law and pursue SA No.219 of 2019, pending before learned DRT which is functional as of now. It is, however, submitted that interim order granted to petitioner on 03.12.2021, be directed to be continued till final decision by learned DRT.

4. Keeping in view facts and circumstances of the matter, this writ petition is dismissed with liberty to petitioner to avail the remedy (ies) available to her in accordance with law and to pursue the pending SA No.219 of 2019 while taking all available pleas. In the given factual matrix wherein interim order was granted to petitioner in December, 2021 and has continued till date, dispossession of petitioner from asset in question to remain stayed for 20 working days from the date of receipt of certified copy of this order in order to enable petitioner to take necessary steps in accordance with law for redressal of grievance as raised in this petition. It is clarified that stay of dispossession of petitioner shall not enure beyond said period of 20 days in the absence of appropriate order by competent

authority/Tribunal to be passed in accordance with law without being influenced by any order which may have been passed in this writ petition.

There is no expression of opinion on merits of the matter.

**(LISA GILL)**  
**JUDGE**

**(AMARJOT BHATTI)**  
**JUDGE**

**08.01.2024**

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No