

CWP-27087-2022(O&M)
Date of Decision: January 10, 2024

ABHIJAY GUPTA

..... Petitioner

Versus

DISTRICTMAGISTRATE,ROHTAK AND ORS

..... Respondents

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

Present: Mr. Ashok Kumar Khubbar, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. D.K. Singal, Advocate for respondent – Bank.

LISA GILL, J.

1. This writ petition has been filed for setting aside order dated 18.11.2022 (Annexure P14) passed by learned DRT-II, Chandigarh in IA-1547-2002 in SA-121-2022.
2. It is submitted that petitioner filed abovesaid SA challenging proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’) initiated against him by respondent – Bank being in violation of provisions of SARFAESI Act itself. In the interregnum, order dated 21.10.2022 was passed by learned District Magistrate, Rohtak under Section 14 of SARFAESI Act. IA-1547-2022 and IA-1548-2022 were filed by petitioner seeking preponement of hearing of SA and for hearing of application seeking stay.

3. Learned DRT-II, Chandigarh vide order dated 18.11.2022 adjourned the matter in view of order dated 27.10.2022 passed in CWP-24795-2022 whereby learned DRT-II, Chandigarh had been barred from passing any adverse order. It is in these circumstances that this writ petition was entertained by co-ordinate Bench and notice of motion was issued on 24.11.2022 while directing stay of dispossession of petitioner from secured asset.

4. It is a matter of record that order dated 27.10.2022 was modified vide order dated 02.12.2022 passed in SLP(c) No. 21138 of 2022 whereby learned DRT-II was permitted to proceed with hearing of matters before him and decide the same on merits.

5. Keeping in view facts and circumstances as above, this writ petition is disposed of with liberty to petitioner to file appropriate application before learned DRT-II, Chandigarh for preponement of hearing of the matter, which is now informed to be listed for 24.09.2024. In case, such application is filed by petitioner within next ten working days, same be entertained by learned DRT-II and matter be heard especially in respect to interim relief as is being sought in accordance with law and decided expeditiously and preferably within three weeks thereafter.

6. Keeping in view the fact that interim order was granted in favour of petitioner on 24.11.2022 and has continued till date, same shall enure for a period of four weeks. In case, petitioner files appropriate application/petition, question of continuance or otherwise of interim order in petitioner's favour shall be considered by the appropriate Forum in

accordance with law, without being influenced by any order, which may have been passed in this writ petition.

7. It is clarified that interim protection afforded to petitioner shall automatically stand vacated on expiry of four weeks from today in the absence of any order by the appropriate authority.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

January 10, 2024
rts

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