

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

224

CWP-28744-2022
Date of decision: 04.01.2024

Ram Niwas

..... Petitioner

V/S

JM Financial Asset Reconstruction Company Limited.

..... Respondent

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

Present: Ms. Ishnoor, Advocate for
Mr. Vikram Singh, Advocate for the petitioner.

Mr. Viren Sharma, Advocate for the respondent.

LISA GILL, J.(Oral)

1. Prayer in this writ petition is for setting aside order dated 07.11.2022 (Annexure P-10) whereby application dated 04.10.2022 (Annexure P-9) filed by petitioner seeking refund of amount paid in the auction conducted by the bank under provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was rejected.

2. Learned counsel for the petitioner is unable to deny that this writ petition has been filed seeking relief qua the respondent which is admittedly an Asset Reconstruction Company. Present writ petition is not entertainable. Gainful reference in this regard can be made to judgment of Hon'ble the Supreme Court in *Phoenix ARC Private Limited vs. Vishwa Bharati Vidya Mandir and others, 2022 (1) R.C.R. (Civil) 888*.

3. In view thereof, learned counsel for petitioner seeks to withdraw this writ petition with liberty to the petitioner to avail remedies available to him in accordance with law.
4. Writ petition is accordingly dismissed as withdrawn with liberty aforesaid.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

04.01.2024
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No