

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



(263) **CWP-25376-2023**
Date of Decision: 14.05.2024

HDFC Bank Ltd. --Petitioner

Versus

State of Haryana & others --Respondents

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

Present:- Mr. C.S. Pasricha, Advocate for petitioner.

Mr. Sukhdeep Parmar, Sr. DAG, Haryana.

Mr. Aditya Srinivasan, Advocate for
respondents no.5 & 6 (through V.C.).

LISA GILL.J (Oral)

Prayer in this petition is for directing respondents no.3 and 4 to implement order dated 05.09.2022 (Annexure P-2) passed by respondent no.2 under Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short SARFAESI Act) and grant necessary assistance to the petitioner/secured creditor.

2. Learned counsel for respondents no.5 and 6 submits that moratorium proceedings are pending before learned N.C.L.T., Chandigarh.

3. Learned counsel for the petitioner, at this stage, points out that insolvency proceedings are pending qua the debtor and not mortgagor.

4. Learned counsel for respondents no.5 and 6 submits that guarantor has also filed a petition under Section 94 of Insolvency & Bankruptcy Code, 2016 details whereof are, however, not forthcoming. In case, that be so, the matter can always be looked into by the District

Magistrate, Gurugram to direct necessary steps to be taken accordingly.

In case there is no stay or moratorium granted by the court of competent jurisdiction, the official respondents are under a statutory duty to deliver possession of the property in question.

5. Learned counsel for the State submits that necessary action cannot be taken immediately due to General Elections in the State, however, necessary steps shall be taken by the third/fourth week of July, 2024.

6. In view of above, present petition is disposed of with the direction that necessary action be taken by the concerned official(s) in accordance with law while remaining cognizant and mindful of any order(s) passed by court of competent jurisdiction.

(LISA GILL)
JUDGE

14.05.2024
lucky

(AMARJOT BHATTI)
JUDGE

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