



CWP-35262-2019

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

CWP-35262-2019

Date of Decision:-11.11.2024

M/s Mansi Trading Co.

.....Petitioner.

Vs.

HDFC Bank Ltd.

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

**Present:- Mr. Gaurav Aggarwal, Advocate
for the Petitioner.**

**Mr. Shailender Kashyap, Advocate
for the respondent-Bank.**

SUDHIR SINGH, J.(ORAL)

The petitioner has filed petition under Article 226/227 of the Constitution of India for issuance of writ in the nature of Certiorari seeking quashing of the proceedings initiated vide notice U/s 13(2) of the SARFAESI Act, 2002 dated 11.01.2018 as well as possession notice dated 27.12.2018 (Annexure P-1) being illegal, unlawful and contrary to the provisions of SARFAESI Act, 2002 read with Security Interest Rules, 2002 framed thereunder. Further, a prayer has been made for staying operation of the aforesaid notice as well as possession notice.

An affidavit has been filed on behalf of the respondent-Bank wherein, the following statement has been made:-



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“In view of the above-mentioned submissions, it is submitted that the account of the petitioner M/s Mansi Trading Co. bearing No.50200002802424 stand closed in books of the Bank and the account No.50200002802437 of M/s Dinesh Flour Mills are still active and Rs.1,48,25,131.21 is due and payable as on 05.11.2024. It is therefore respectfully prayed that the above-mentioned writ petition may kindly be dismissed as no cause of action survives, in the interest of justice equity and fair play.”

Considering the said statement, this Court is of the view that no further orders are required to be passed in the present writ petition.

In case, there is any variation in the stand taken by the respondent-Bank, the petitioner shall be at liberty to approach the competent authority. Further, the respondent-Bank is directed to give a No Dues Certificate to the petitioner within a period of 02 weeks in the light of the stand taken by it, as referred above.

In view of the above, the present petition is disposed of with the aforesaid directions.

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

November 11, 2024
Jitesh

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