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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3287/2024 & CM APPL. 13567/2024, CM APPL. 13568/2024

YK AGROTECH PVT LTD AND ORS.

..... Petitioners

Through: Mr. Sanjeev Bhandari, Ms. Pratiti Rungta, Advocates
(M:9999191350,email:pratitirungta@gmail.com)

versus

PUNJAB NATIONAL BANK

..... Respondent

Through: Mr. Santosh Kumar Rout, Mr. Kumar Satish Shah, Ms. Dharna Veragi, Advocates along with Mr. Shabaz Rigzim, PNB Officer,
(M:9315943060,email:skrlawfirms@gmail.com)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
05.03.2024

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CM APPL. 13568/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

W.P.(C) 3287/2024 & CM APPL. 13567/2024

3. The present petition has been filed on the ground that the frozen mutton/meat is stored in the warehouse/cold storage of the petitioners situated at Leh Ladakh, possession of which has been taken by the



respondent-bank in terms of the proceedings under The Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (“SARFAESI Act”). Possession of the aforesaid warehouse/cold storage has been taken by the respondent-bank to secure the credit extended by the bank to the petitioners.

4. This Court cannot go into the merits of the dispute between the parties, as the requisite proceedings under the SARFAESI Act are pending before the Debt Recovery Tribunal (“DRT”). However, the present writ petition has been confined by the petitioners only to the prayer for allowing the petitioners to take out the frozen mutton/meat which is stored in the aforesaid warehouse/cold storage, which is to be supplied to the Indian Army.

5. This Court notes that the Office of Tehsildar, Leh has already taken the possession of the said warehouse on 27th February, 2024 in terms of the Notice dated 22nd February, 2024.

6. The undisputed position is that it is the aforesaid warehouse/cold storage, which constitutes the mortgaged property of the petitioners for security towards the term loans and cash credit facilities advanced by the bank, possession of which has been taken over by the respondent-bank. The frozen mutton and other meat, which is stored inside the said warehouse/cold storage, do not constitute mortgaged property with the bank.

7. Accordingly, it is directed that without disturbing the possession of the respondent-bank, which has duly been taken in proceedings under the SARFAESI Act, the respondent-bank shall open Chamber No. F-3 of the warehouse/cold storage in question for two days on 07th March, 2024 and 08th March, 2024, i.e., Thursday and Friday. The said warehouse/cold



storage shall be opened at 10:00 AM in the morning on 07th March, 2024 and shall be closed by the authorized representatives of the respondent-bank at 5:00 PM on the same evening. Thereafter, on the next day again, i.e., on 08th March, 2024, the said warehouse/cold storage shall be opened at 10:00 AM till 5:00 PM. During the aforesaid time on both the dates, the petitioners shall be allowed to take out all the frozen food items lying inside Chamber No. F-3 of the said warehouse/cold storage.

8. After the frozen food items have been taken out by the petitioners from the aforesaid Chamber of the said warehouse/ cold storage, the locks shall again be put by the authorized representatives of the respondent-bank.

9. It is made clear that during the time when the locks are opened to allow the petitioners to take out the frozen food items, the possession of the warehouse shall continue to remain with the respondent-bank. It is further clarified that this Court has not disturbed the possession of the respondent-bank in any manner, which has already been taken in terms of the proceedings under the SARFAESI Act.

10. It is further clarified that this Court has not expressed any opinion on the merits of the dispute between the parties and that the present order has been passed only for the limited purpose of allowing the petitioners to take out the frozen food items, which are meant for the use of the army officials.

11. At this stage, learned counsel for the petitioners submits that there are other frozen food items of the petitioners, which are lying in Chamber No. F-1. It is directed that the petitioners shall make submissions with respect thereto, before the learned DRT, wherein the application of the petitioners is already pending.



12. With the aforesaid directions, the present petition is disposed of.

MARCH 5, 2024

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MINI PUSHKARNA, J