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

COCP-387-2023 (O&M)

Date of Decision : 24.09.2025

M/S JAI MAA INDUSTRIES AND ORS

.... Petitioners

VERSUS

SUSHIL GUPTA AND ANR.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. B.S Tewatia, Advocate for the petitioners.

Mr. Harsh Chopra, Advocate for respondent No.1.

Ms. Pratula Sethi, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Sections 10 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India alleging violation of the order dated 23.01.2023 passed by a Division Bench of this Court in CWP-1340-2023. The Division Bench of this Court passed the following order on 23.01.2023 :

'Heard.

Notice of motion, returnable for 16.02.2023.

Mr. Harsh Chopra, Advocate accepts notice on behalf of respondent No.1 and waives service.

A complete copy of the writ paper book be furnished to counsel for respondent No.1 during the course of the day.

To be listed along with CWP-22960-2022.

Subject to the petitioner depositing a sum of ₹35,70,000 with the respondent No.1-creditor within a period of two days from today, the sale certificate dated 22.12.2022 (Annexure P-7) would not be acted upon.'

2. It has been averred in the contempt petition that the possession of the property was delivered by respondent No.1 to respondent No.2 at about 3:30 pm on 23.01.2023 hence there is willful disobedience of the order dated 23.01.2023 *ibid*.

3. Reply has been filed by the respondents wherein it has been stated that in the order itself it had been observed that the sale certificate dated 22.12.2022, which was appended as Annexure P-7 with the writ petition, would not be acted upon. It is further the contention that Rules 9(6) and 9(9) of the Security Interest (Enforcement) Rules, 2002 specifically entail that at the time of issuance of the sale certificate, possession has to be handed over to the auction purchaser. Learned counsel would further contend that there is no violation of the aforesaid order inasmuch as after passing of the order dated 23.01.2023, no further action has been taken and the sale certificate has not been registered.

4. Heard.

5. In the present case it was specifically directed by the Writ Court that the sale certificate dated 22.12.2022 (Annexure P-7 with the writ petition) would not be acted upon, which necessarily means that the sale certificate, even as per the case set up by the petitioner in the writ petition, had already been issued. The only direction was that the same be not acted upon. As per

the affidavit filed by respondent No.1 the same has not been acted upon as the sale certificate has not been registered. However, the possession was handed over in consonance with Rules 9(6) and 9(9) of the Security Interest (Enforcement) Rules, 2002.

6. In view thereof, I do not find any merit in the present contempt petition and the same is accordingly dismissed. Rule stands discharged. Pending applications, if any, also stand disposed off.

24.09.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No