



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

255

CWP-14354-2024.**Date of Decision: 09.01.2025.**

Bank of Baroda

....Petitioner.

VERSUS

State of Punjab and others

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. C.S. Pasricha, Advocate and
Mr. Sushil K. Bhardwaj, Advocate for the petitioner.

Mr. Adeshwar Singh Pannu, Assistant Advocate General, Punjab.

Mr. Akhilesh Vyas, Advocate for respondent No.5.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner-Bank is seeking a direction to respondents No.3 and 4 to implement the order dated 29.01.2024 (Annexure P-2) passed by respondent No.2-Additional District Magistrate, Ludhiana, under Section 14 of the SARFAESI Act.

2. Learned counsel for the petitioner submits that respondent No.5 had taken loan for a sum of Rs.9,12,27,000/-, but on the default of respondent No.5 in repaying the loan as per the schedule, notice under Section 13(2) of the SARFAESI Act, was issued on 18.09.2021 and thereafter no payment has been made by respondent No.5 towards the outstanding amount. The petitioner-Bank is seeking a direction to the official respondents to provide the necessary assistance in terms of the order passed by the Additional District Magistrate on 29.01.2024.

3. Learned counsel for respondent No.5 submits that SA No.232 of 2024 has been preferred by respondent No.5 before DRT-III, Chandigarh and, therefore, as the matter is pending adjudication before the DRT-III, Chandigarh, the direction as sought by the petitioner be not issued.

4. Heard.

5. Respondent No.5 had obtained a loan for the afore-noted amount. Notice under Section 13(2) of the SARFAESI Act was issued on 18.09.2021, but respondent No.5 has not made any payment thereafter. The Additional District Magistrate had passed an order under Section 14 of the SARFAESI Act on 29.01.2024. Respondent No.5 is stated to have preferred SA No.232 of 2024 before DRT-III, Chandigarh, but there is no interim order in the said SA. Consequently, this writ petition is disposed of with a direction to respondents No.3 and 4 to implement the order dated 29.01.2024 (Annexure P2) passed by Additional District Magistrate under Section 14 of the SARFAESI Act. It is, however, clarified that in the instant writ petition direction have been issued to implement the order passed under Section 14 of the SARFAESI Act. Nothing, which has been observed herein, would have any bearing on the merits of the case (SA No.232 of 2024) which would be adjudicated by the DRT-III, Chandigarh, in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

09.01.2025
jitender

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