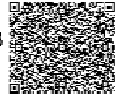


2025:PHHC:105596-CB



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

**CWP-13191-2016 (O&M)
Date of decision: 12.08.2025**

Lt. Col P.C. Chandel (Retd.)

.....Petitioner

Versus

The Punjab State Co-operative Bank Ltd. and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. S. Rajagopalan, Advocate,
for the petitioner.

Mr. Ashwani Prashar, Advocate,
for respondent No.1.

Mr. R. Kartikeya, Advocate,
and Ms. Sidhi Bansal, Advocate,
for respondent No.3.

SHEEL NAGU, C.J. (ORAL)

1. This petition has been filed by the guarantor (petitioner) assailing the rejection orders dated 31.12.2012 and 30.05.2016 (Annexures P-24 and P-29 respectively).

2. Respondent No.3 is the auction purchaser, who has purchased the secured asset in question in an auction held on 05.02.2011 pursuant to which, sale certificate has also been issued on 24.12.2012. The prayer made in this petition is in the nature of mandamus directing the respondent-bank to consider the request of the petitioner to accept the One Time Settlement

(OTS) and to quash the auction, which took place on 05.02.2011.

3. The connected civil revision arises out of an award dated 31.12.2001 to the tune of Rs.69,09,174/- in favour of the bank, whereby the bank was held entitled to charge interest @ 17.34% per annum (compoundable) and penal interest @ 3% (to be calculated and kept separate from the principal for subsequent period) from the respondents till the date of actual payment. The appeal against the said award under Section 68 of the Punjab State Cooperative Societies Act, 1961, was dismissed on 11.09.2007. The petitioner, herein, assailed the said award by filing CWP-1358-2008, which stood dismissed on 30.01.2008 (Annexure R-1/1) by the Division Bench of this Court. Pursuant thereto, the bank conducted the auction on 05.02.2011, pursuant to which, the sale certificate was issued on 19.11.2012 in favour of respondent No.3. After dismissal of the objections filed by the petitioner, the sale certificate stood confirmed on 24.12.2012. The rejection of objections made by the petitioner, was assailed in an appeal, which was dismissed on 20.01.2015, against which, Civil Revision No.1859 of 2015 has been filed, in which, vide an interlocutory order dated 11.07.2016, the Single Bench of this Court stayed the proceedings before the Executing Court qua delivery of possession. However, on 28.07.2022, when Civil Revision No.1859 of 2015 was clubbed with the present petition, the Division Bench of this Court vacated the interim order dated 11.07.2016 due to default on the part of the petitioner. The auction purchaser filed an application seeking delivery of possession of the secured asset on 23.08.2023, which

was allowed on the same date by the learned Civil Judge (Senior Division), Panchkula.

4. The petitioner, aggrieved by the aforesaid, filed an appeal challenging the order dated 23.08.2023, wherein no stay was granted and the learned Additional District Judge, Panchkula, vide order dated 23.05.2024, dismissed the said miscellaneous appeal preferred by the petitioner. Both the orders dated 23.08.2023 and 23.05.2024 became subject matter of challenge in Civil Revision No.3737 of 2024, which is pending adjudication before this Court without there being any stay.

5. In view of the aforesaid subsequent developments, much water has flown under the bridge and the clock cannot be put back since it will unsettle a lot of settled things. The petitioner, thus, cannot invoke extraordinary jurisdiction under Article 226/227 of the Constitution of India, especially when disputed questions of fact will have to be gone into.

6. Present petition stands dismissed.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(SANJIV BERRY)
JUDGE**

12.08.2025

Ajay Prasher

<i>Whether speaking/reasoned</i>	: Yes/No
<i>Whether reportable</i>	: Yes/No