IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20351-2025

Date of decision : 21.07.2025

Harjinder Kaur

…….Petitioner

Versus

Punjab & Sind Bank, Jandiala Guru and others

...….Respondents

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

Present: Mr. Jaswinder Singh Grewal, Advocate,
for the petitioner.

Mr. Gaurav Goel, Advocate (arguing counsel), and
Mr. Ajay Singh Rana, Advocate,
for respondent No.1.

Mr. Salil Sabhlok, Senior DAG, Punjab.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This is petitioner's second round of litigation, after exhausting the earlier one in the shape of CWP-24685-2024, wherein the Co-ordinate Bench of this Court passed order dated 26.09.2024 (Annexure P-8), which is being re-produced below :

> *"Learned counsel for the petitioner submits that husband of the petitioner had taken cash credit limit facility in the year 2016. The limit was being maintained as per the norms and he had not defaulted in making the payments. He unfortunately passed away on 22.05.2021 and thereafter the petitioner is maintaining the CCL account and has complied with the terms and conditions set out therein. However, the*

account has been arbitrarily declared as NPA with effect from 31.03.2024.

2. Issue notice to the respondent.

3. Learned counsel for the respondent-Bank appears and submits that CCL facility was given against the available stock which was in the name of M/s EK Onkar Satnam Filling Station but after the death of the husband of the petitioner, the firm was not operational and, therefore, there is no stock. He, however, submits that he has received instructions from the Chief Manager that in the event of the petitioner approaching them with a written request to regularize the cash credit limit account with a promise to fulfill all bank formalities, the same shall be forwarded to the competent authority for necessary action. The physical possession shall not be taken till the final decision of the competent authority. He also submits that order under Section 14 of the SARFAESI Act has not been passed/received and as such the bank will not proceed to take the physical possession of the secured asset till the receipt of the order from the competent authority.

4. In view of the above, we deem it appropriate to dispose of the petition with a liberty to the petitioner to move her representation before the respondent-Bank within a period of two weeks from today for regularization of the CCL account and the Bank shall forward the same to the competent authority for its consideration.

5. Till the order is passed by the competent authority, respondent will not take physical possession.

6. Petition is disposed of accordingly."

2. It is submitted by learned counsel for the petitioner that despite making representation dated 08.10.2024 (Annexure P-9), the Duty Magistrate – cum – Naib Tehsildar, Jandiala Guru, Amritsar, has issued notice dated

08.07.2025 (Annexure P-10) requesting the concerned SHO to provide requisite police force, so that possession of secured assets is taken on 24.07.2025.

2.1 At this juncture, learned counsel, Shri Gaurav Goel, on advance copy, appears on behalf of the respondent – Bank and assures that the aforesaid representation made by the petitioner, as directed by Co-ordinate Bench of this Court on 26.09.2024 in CWP-24685-2024, shall be decided within a period of fifteen days, decision whereof shall be communicated to the petitioner, and only thereafter any coercive step will be taken against the petitioner in accordance with law.

3. In view of aforesaid assurance given by learned counsel for the respondent – Bank, this Court deems it appropriate not to proceed in this matter.

4. Accordingly, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

July 21, 2025
narotam

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