

2025:PHHC:114062-DB



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

CWP-22067-2023

Date of decision : 26.08.2025

Religare Finvest Limited

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: None for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.
and Mr. Salil Sabhlok, Sr. DAG, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The present petition has been filed by petitioner – Financial Institution aggrieved by non-execution of order dated 14.10.2022 (Annexure P-3) passed by the Chief Judicial Magistrate, SAS Nagar, Mohali, under the provisions of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, ‘SARFAESI Act’).

2. It is rather surprising that the Deputy Commissioner-cum-District Magistrate, SAS Nagar, Mohali (respondent No.3), has failed to discharge his statutory duty of assisting and handing over physical possession of the secured asset to the petitioner – Financial Institution.

2.1 Non-Performing Assets (NPAs) are a huge burden on the public exchequer, banking and financial system, and, thus, prompt enforcement of

recovery mechanism under the SARFAESI Act is paramount for liquidity in the system.

3. In view of the above, this Court by way of writ of mandamus directs respondents No.2 to 5 to execute the order dated 14.10.2022 (Annexure P-3) passed by the Chief Judicial Magistrate, SAS Nagar, Mohali, under Section 14 of the SARFAESI Act, by handing over physical possession of the secured asset to the petitioner – Financial Institution, as expeditiously as possible, preferably within a period of thirty days. The petitioner – Financial Institution, thereafter, can proceed to adopt all possible legitimate means to liquidate the secured asset to recover the due amount.

4. This petition for the time being stands disposed of in the terms aforesaid. Needless to say that the guidelines laid down by Coordinate Bench in **Bank of Maharashtra Vs. District Magistrate, Hisar and others**, CWP-7018-2022 (decided on 28.05.2024) be adhered to by the concerned authorities.

5. We hasten to add that this order shall, however, be subject to any restraint/interim/final order which may have been passed by any judicial forum, in favour of the borrowers/guarantor/any aggrieved person, who is party to this lis.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

August 26, 2025
Ajay Prasher

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