

2025:PHHC:144040-DB



CWP-30575 of 2024 (O&M)

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

**CWP-30575 of 2024(O&M)
Date of decision: 16.10.2025**

M/S WALIA TRADERS LTD AND OTHERS.

....Petitioner

V/S

STATE OF HARYANA AND OTHERS.

... Respondents

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

Present:- Mr. Vijay Kumar Jindal, Senior Advocate with
Mr. Manan Khetarpal, Advocate and
Mr. Abhishek Shukla, Advocate for the petitioners.
Mr. Himanshu Sharma, Advocate for the respondent-Bank.
Mr. Deepak Balyan, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. The petitioners, who are borrowers, have filed the present writ petition, assailing the notice dated 09.05.2017 (Annexure P-11) issued u/s 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') passed by the District Magistrate, Panchkula.
2. Learned counsel for the respondent-Bank has pointed out, at the very outset, that the petitioners have suppressed a material fact, stating that they had already filed S.A. No. 336 of 2024 before the Debts Recovery Tribunal on 02.09.2024, challenging the auction proceedings. Despite being aware of the same, this writ petition was filed subsequently on 26.10.2024, without disclosing that material fact.
3. More so, the SARFAESI proceedings have reached an advanced stage, and the auction sale has already been confirmed in favour of the auction purchaser,

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thereby creating third-party rights, yet, the petitioners have not impleaded the auction purchaser as a party to this writ petition.

4. This petition is pending since the last more than one year, no effort has been made either to disclose the aforesaid material fact, or to implead the auction purchaser as a party.

5. Accordingly, the instant writ petition stands dismissed on the aforesaid two counts, with a costs of Rs.25,000/- to be deposited in favour of Punjab & Haryana High Court Bar Association, Chandigarh within seven (07) days.

6. All pending Civil Miscellaneous application(s), if any, also stand disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

16.10.2025

Kamal Gandhi

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