

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:093250-DB



Civil Writ Petition No. 32733 of 2024 (O&M)

Date of Decision: 25.07.2025

HDFC Bank Ltd.

.....Petitioner

versus

Deputy Commissioner cum District Magistrate, Sirsa and others

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.....Respondent

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

Present : Mr. Nitin Thatai, Advocate (Arguing Counsel),  
Mr. Nitin Bhasin, Advocate,  
Ms. Monika Thatai, Advocate,  
Ms. Shruti Sharma, Advocate and  
Mr. Karan Sharma, Advocate, for the petitioner.

Mr. Deepak Balyan, Addl. Advocate General, Haryana  
for respondents No.1 to 3.

Mr. Rahul Garg, Advocate, (Arguing counsel)  
for respondent No.4.

Mr. Sunil Sihag, Advocate, (Arguing counsel)  
for respondents No.5 to 7.

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**SHEEL NAGU, CHIEF JUSTICE (Oral)**

Petitioner bank is a lessee/tenant in the secured asset which is subject matter of proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act') commenced by respondent No.4 which culminated into passing of an order under Section 14 of the SARFAESI Act on 14.10.2024 (Annexure P-8) directing the concerned Tehsildar to handover the secured asset to respondent No.4 bank.

2. This Court on 04.12.2024 while taking cognizance of the matter had stayed the operation of the order dated 14.10.2024 (Annexure P-8) passed by District Magistrate under Section 14 of the SARFAESI Act. The aforesaid interim order was passed on the undertaking given by the petitioner bank that they would vacate the premises in question within six months.

3. The period of six months expired in May-June-2025.

4. It is not disputed by learned counsel for the rival parties that petitioner bank has not yet vacated the premises in question. The petitioner bank has thus failed to keep its promise subject to which interim order had been passed on 04.12.2024.

5. However, looking to the fact that petitioner is a bank and as contended by learned counsel for petitioner that it would require sometime to search for an alternative accommodation, this Court disposes of this petition with the following direction: -

- i) The petitioner is given time till 31.12.2025 to vacate the premises in question which is a part of the secured asset, and in case the petitioner fails to do so then respondent No.4 shall be free to proceed under the SARFAESI Act to ensure handing over physical possession of the secured asset.

5. With these observations and direction, the petition stands disposed of.

(SHEEL NAGU)  
CHIEF JUSTICE

(SANJIV BERRY)  
JUDGE

25.07.2025

ravinder

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|---------------------------|----------|
| Whether speaking/reasoned | √Yes/No  |
| Whether reportable        | Yes/No/√ |