

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCP-279-2022 (O&M)

Date of decision: 20.01.2026

ANIL JAIN

..Petitioner

Versus

SHYAMAL SAMADAR AND ORS

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. C.S. Bakhshi, Advocate
for the petitioner.

Mr. C.S. Pasricha, Advocate
Mr. Saurabh Sudhir, Advocate
for respondent No.1.

Mr. Ram Karan Sharma, DAG, Haryana.

SUDEEPTI SHARMA, J. (Oral)

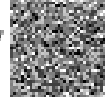
1. The contempt petition has been filed for deliberate and intentional disobedience of order dated 20.01.2022 passed in CM-2-CWPIL-2022 in/and CWP-PIL-77-2021.

2. Learned counsel for respondent No.1 has filed reply to the same.

3. The relevant paras of reply filed by respondent No.1 are reproduced as under:-

“4. That the averments made by the petitioner in the present contempt pertaining to the order of the Hon'ble High Court CWP-PIL-77 of 2021 are misleading and wrong. The Hon'ble Court passed a clarifying order dated 20.08.2021 wherein it was held as under;

“The object and purpose of passing the interim order (ibid) was only to stay the auction



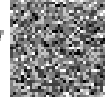
proceedings in respect of residential accommodations so that in these difficult times that the citizens and country are faced with, the occupants of the domestic/residential units were not rendered homeless and exposed to further miseries. The interim order, particularly para (x) thereof, has a limited purpose and operations, as indicated above."

"(x) that it is further directed that any Bank or Financial Institution shall not take action for auction in respect of any property of any citizen or person or party or any Body corporate till 30th June, 2021"

The order dated 20.08.2021 is attached herewith as Annexure R-2.

5. That the respondent no. 1 had not initiated any SARFAESI proceedings against the residential property of the petitioner. Therefore, the averments made by the petitioner pertaining to the order held in CWP-PIL-77 of 2021 by this Hon'ble High Court are absolutely incorrect and the present petition is liable to be dismissed on this short ground alone. Further this Hon'ble Court vide order dated 23.09.2021 in CWP-PIL-77 of 2021 made it clear that the interim protection granted by this Court is only restricted or confined to residential properties, relevant Para as under:

"This court vide order dated 28.04.2021 has already clarified the application, effect and import of paragraph (x) of initial order passed by this court on 28.04.2021 to the effect that the interim protection granted under the original paragraph (x) was restricted and confined only to those properties, which were residential in nature and were occupied by the owners and their



dispossession at that stage would have rendered the occupants homeless. In other words, vide our order dated 20.08.2021, we clarified that all other auction proceedings can go on as had not granted any stay in respect of those properties which were not residential or even if residential or commercial were unoccupied and possession of which has already taken over by the banks.”

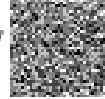
The relevant orders dated 23.09.2021 are attached herewith as Annexure R-3.

6. That it is further stated the present contempt petition is a deceptive tactic by the petitioner to delay the legitimate and legal proceedings initiated by the respondent no. 1 as per the provisions of the SARFAESI Act for recovery of its dues. The petitioner owes dues over Rs 4,80,49,564 to the respondent no. 1 with further interest from 01.04.2021 till payment. The petitioner is unwilling to pay the said dues and the bank has been left with no other option but to enforce the secured assets mortgaged by the petitioner to recover its dues. That the present petition is devoid of any merits and is liable to be dismissed by this Hon'ble Court.

7. That the petition is otherwise an apparent abuse of process of law. The challenge made to the actions by the bank officials / authorized officer are protected by law. Section 32 of the Securitisation Act, for ready reference is reproduced below:

32. Protection of action taken in good faith. - No suit, prosecution or other legal proceeding shall lie against [the Reserve Bank or the Central Registry or any secured creditor or any of its officers] for anything done or omitted to be done in good faith under this Act.

The action taken by the secured creditor and the authorized officer under the provisions of Act 2002 thus



are protected by law and cannot be made subject matter of the instant petition which has been filed with the sole intention to coerce the bank to bow-down to the illegal demand of the petitioner.”

4. Along with reply filed by respondent No.1, affidavit filed by the petitioner dated 11.01.2022 is also attached, which is reproduced as under:-

“AFFIDAVIT

We, M/s Pee Pee Agro India (Pvt.) Ltd. (through its directors) R/o Vill. Dhurkara Tehsil & Distt. Ambala do hereby solemnly declare as under:-

1. We have requested to Tehsildar, Ambala and Bank officials for delaying possession proceeding scheduled to be undertaken on 12-01-2022 for 21 days. We are hereby to undertake to resolve/liquidate account in name of M/s Pee Pee Agro India (Pvt.) Ltd. at Bank of Baroda Ambala City within 21 days.

2. If we fails to resolve our account in 21 days i.e. 02-02-2022. We will peacefully handover the possession to Tehsildar, Ambala and Bank officials is free to take physical possession of our mortgaged property.

3. We M/s Pee Pee Agro India (Pvt.) Ltd and Its Director/Guarantor in account we undertake we will no approach to any court/tribunal for getting any relief against Bank action under SARFAESI Act 2002. Irrespective of the fact whether Bank accept are request or not.

Anil Jain & Mohinder (Director)

Verification:-

We, the above named deponent do hereby verify that the contents of affidavit are true and correct to the best of my knowledge and belief and nothing has been kept concealed therein.

Dated: 11-01-2022 Deponent

Place: Ambala City. M/s Pee Pee Agro India (Pvt.) Ltd.”



5. In view of the same, the contempt is purged and rule is discharged.
6. All the pending miscellaneous applications, if any, are also disposed of.

January 20th, 2026

Ayub/Saahil

(SUDEEPTI SHARMA)
JUDGE

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