



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

CWP No.7118 of 2026 (O&M)

Date of Decision: 11.03.2026

M/S MAKKAR STEELS PVT. LTD. AND OTHERS

.....Petitioners

Versus

PUNJAB AND SIND BANK AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. R.S. Manhas, Advocate and
Mr. Varinder Singh, Advocate for the petitioners.

Mr. Akaant Kumar, Advocate for the respondent-Bank.

Mr. Swapan Shorey, DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

1. Petitioners have approached this Court *inter alia* for issuance of a writ in the nature of certiorari for setting aside sale notice dated 03.02.2026 (Annexure P-3) issued under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 (for short, 'the 2002 Rules') alongwith all consequential proceedings and for directing respondents to decide representation dated 02.03.2026 (Annexure P-4).

2. Counsel for the petitioners states that petitioner No.3 is the owner of 9 Kanals land in Village Lakhawal, Tehsil and District Ludhiana which has been mortgaged with the Punjab and Sind Bank to secure a Cash Credit (CC) Hypothecation limit of Rs.2 Crores, which was sanctioned on 28.06.2019. Counsel states that due to financial constraints, account became irregular and a One Time Settlement (OTS) proposal (Annexure P-1) was submitted by the petitioners, but bank took over the physical possession of



the secured asset on 20.05.2024 under the provisions of SARFAESI Act and auctioned the mortgaged land pursuant to sale notice Annexure P-2. Counsel states that by virtue of impugned sale notice Annexure P-3, bank intends to auction machinery and other movable assets lying in the said premises on 11.03.2026. By making a reference to e-auction notice, counsel has asserted that the petitioners have been given 30 days' time to redeem the secured asset but as bank has not furnished details of the amount due, a representation dated 02.03.2026 Annexure P-4 has been submitted. Counsel states that the petitioners are willing to repay the amount in installments and have brought a demand draft of Rs.10 lakhs.

3. Advanced copy of petition has been served upon the respondents.

4. Mr. Akaant Kumar, Advocate has put in appearance on behalf of respondent No.1-Bank and Mr. Swapan Shorey, DAG, Punjab, has put in appearance on behalf of respondent No.2-State.

5. Counsel for respondent No.1-Bank states that an amount of more than Rs.85 Lakhs is due from the petitioners. He states that although with the sale of mortgaged land, some recovery has been effected but balance amount is still due from the petitioners. He asserts that petitioners never redeemed the mortgaged asset and representation Annexure P-4 submitted by them is meaningless. He asserts that the petitioners are defaulters and cannot invoke the writ jurisdiction of this Court.

6. Having heard counsel for the parties and considering their respective submission, this Court is of the view that the offer of payment made by the petitioners at this belated stage is not *bona fide*. It has been held by Hon'ble Supreme Court in ***M. Rajendran and others Vs. M/s KPK Oils and Protiens India Pvt. Ltd. and others, 2025 SCC Online SC 2036*** that



borrower's right of redemption of secured asset extinguishes on the date of publication of notice for public auction or inviting quotations or tender from public or private treaty. The offer to repay Rs.10 lakhs against a total outstanding amount of more than Rs.85 lakhs at this belated stage is a vain attempt to stall the auction process.

7. Facts reveal that the petitioners have been defaulters and the immovable property has also been sold in auction but still the recovery of the outstanding amount could not be affected by the bank. If the petitioners were sincere in saving the plant, machinery and other movable assets, they would have approached the bank with the offer to make the payment of the balance amount. There is no equity in favour of the petitioners and they cannot invoke the extraordinary writ jurisdiction of this Court by way of present writ petition.

8. Petition being bereft of merit is dismissed with no order as to cost.

(SUVIR SEHGAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

11.03.2026
sandeep

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No