

(2011) 08 P&H CK 0189
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 15956 of 2011

Narinder Singh

APPELLANT

Vs

Central Bank of India and others

RESPONDENT

Date of Decision : 29-08-2011

Acts Referred:

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI) — Section 13(4), 17

Citation : (2011) 08 P&H CK 0189

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

K. Kannan J.—The only challenge in the writ petition is to the possession notice, which is issued and the further action taken u/s 13(4) of the SARFAESI Act. The petitioner will have appropriate remedy by means of an appeal u/s 17 of the SARFAESI Act. The petitioner's grievance still further is that he made such an appeal previously but it was not entertained. The petitioner is bound to satisfy the particular Forum, which is competent to receive the appeal and if there is any order, which speaks adversely to his attempt, he shall have a further remedy by means of an appeal u/s 19 of the SARFAESI Act before the DRAT. If there is any delay in filing the appeal, the time taken by the petitioner in his bona fide prosecution before the Authority at DRT previously and later before this Court, the petitioner may seek for exclusion of the time taken and if such a request is made, the same will be considered by the DRAT and entertain the appeal.

2. Learned counsel for the petitioner also contended that there is no loan outstanding. It will still be a matter of adjudication before the DRT and not before this Court.

3. With these observations, the writ petition is dismissed.