

**104+235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-1336-2021 (O&M)

Date of Decision: August 31, 2023

S. V. EXPORTS

..... Petitioner

Versus

UNION OF INDIA AND ORS

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Akhilesh Vyas, Advocate for the petitioner.

Mr. Vipul Dharmani, Advocate for respondents No. 3 and 4.

LISA GILL, J.

1. Prayer in this writ petition is for quashing notice dated 13.10.2020 (Annexure P2) under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short – ‘SARFAESI Act’) as well as notice dated 29.12.2020 (Annexure P10) under Section 13(4) of SARFAESI Act.

2. Faced with the factum of petitioner’s earlier writ petition i.e. CWP-21026-2020 being dismissed as premature on 10.12.2020 while leaving it open to the petitioner to avail statutory remedy as available to it in accordance with law, besides the fact that relief claimed is qua – HDB Financial Services Ltd., which is admittedly a private Non-Banking Financial Institution and writ petition is in the teeth of the judgment of Hon’ble the Supreme Court in **Phoenix ARC Private Limited versus Vishwa Bharti Vidya Mandir and others, 2022 (1) RCR (Civil)**

888, learned counsel for the petitioner submits that he may be permitted to

withdraw this writ petition with liberty to the petitioner to approach learned Debt Recovery Tribunal in accordance with law alongwith necessary application for condonation/ exclusion of period of delay, if any, and may be protected till then.

3. Perusal of the file reveals that interim order operating in favour of the petitioner was passed on 21.01.2021 by co-ordinate Bench. Keeping in view the facts and circumstances as above, this writ petition is dismissed as withdrawn with liberty to the petitioner to avail its statutory remedy in accordance with law within the said period. Interim order in petitioner's favour shall enure till the next fifteen (15) days and not a day later. Question of condonation/exclusion of period of delay as well as question of continuance of interim order would be entirely in the realm of consideration of learned Debt Recovery Tribunal, which would decide the same in accordance with law without being influenced in any manner by the interim order earlier passed in this writ petition.

4. Pending application(s), if any, stand(s) disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

August 31, 2023
rts

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