



COCP-1196-2023 (O&amp;M)

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

**COCP-1196-2023 (O&M)  
Reserved on : 25.08.2025  
Pronounced on : 22.09.2025**

M/s Anubhuti Apples Pvt. Limited

...Petitioner

Versus

Smt. Suman and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Sanjay Tangri, Advocate for the petitioner.

Mr. Rakesh Gupta, Advocate,  
and Ms. Manvi Arora, Advocate,  
for the respondent.

**HARPREET KAUR JEEWAN, J.**

1. The petitioner has filed the present petition under Sections 10 & 12 of the Contempt of Courts Act, 1971 (*for short, 'the Act'*), for initiation of proceedings against the respondents for alleged willful non-compliance of the orders dated 12.09.2022 (Annexure P-1) and 20.12.2022 (Annexure P-2), passed by the Debts Recovery Tribunal-I, Chandigarh (*for short, 'the Tribunal'*), in Securitization Application (SA) No.160 of 2022, titled as "*Anubhuti Apples Pvt. Ltd. V/s Authorized Officer, State Bank of India*".

2. Learned counsel for the petitioner submitted that as per the order dated 12.09.2022, the Tribunal had permitted the respondent-Bank to continue with the auction, which was scheduled for 14.09.2022, however, the sale was not to be confirmed. Thereafter, vide order dated 20.12.2022, the interim order was continued, however, the respondent-Bank has violated the said orders by issuing another

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sale notice dated 03.02.2023 for e-auction of the properties of the petitioner on 14.03.2023. On 18.03.2023, the petitioner moved an application before the Tribunal for preponement of the matter, however, it was ultimately found that the respondent-Bank had issued Sale Certificate dated 29.03.2023, confirming the sale in favour of third persons.

3. The respondents have already filed reply by way of affidavit dated 16.08.2023 of respondent No.1, along with Annexures R-1 to R-6, which are taken on record. Copy thereof supplied to the other side. Registry to tag the same at appropriate place.

3.1 Learned counsel for the respondent, while referring to the reply filed on behalf of respondent No.1, submitted that the petitioner had availed financial facilities from the respondent-Bank on 27.05.2011 and the properties were mortgaged. The account of the petitioner was declared NPA on 28.01.2015, and thereafter, proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (*for short, the 'SARFAESI Act'*) were initiated. After taking the actual physical possession on 29.09.2021, the properties were to be auctioned on 17.06.2022. The said auction was withdrawn by the Bank; however, the properties were again put to auction on 14.09.2022, regarding which the petitioner filed IA No.640 of 2022, wherein, interim order dated 12.09.2022 was passed by the Tribunal, observing that the Bank can proceed with the auction, but the sale cannot be confirmed. It is further contended that in the subsequent two adjournments, interim order was not continued and the property was put to auction third time on 14.03.2023. Aggrieved by the same, the petitioner filed an application bearing IA No.184-2023 (Annexure



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R-3), seeking an interim order in respect of the sale fixed for 14.03.2023. Since there was no interim order, the property was sold in the e-auction on 14.03.2023. The learned counsel for the respondent-Bank submitted that even the subsequent interim application filed by the petitioner on 21.04.2023 has been dismissed as having been rendered infructuous, since the sale had already taken place on 14.03.2023. The Tribunal had finally dismissed the SA filed on behalf of the petitioner vide order dated 01.07.2023 (Annexure R-5).

4. I have considered the aforesaid submissions and perused the paper-book.

5. The violation of the order dated 12.09.2022 has been alleged by the petitioner, which reads as under:-

*“It is admitted that the bank have fixed up the auction for 14.09.2022. Counsel for the parties state that the auction be carried-out and would not confirm the sale till there is any order passed by this Tribunal. I order accordingly. The case is adjourned to 27.09.2022.”*

6. It is not disputed that the respondent-Bank had fixed the auction for 14.09.2022; and IA No.640-2022 was filed before the Tribunal, during the pendency of SA-160-2022. The Tribunal vide order dated 20.04.2023 (Annexure R-4), has confirmed that in pursuance of the notice dated 04.08.2022, no sale took place and ultimately by making the said observations, IA-640-2022 was dismissed as having been rendered infructuous. The said order reads as under:-

*“SA/160/2022*

*ANUBHUTI APPLES PVT LTD Vs STATE BANK OF INDIA*

*20.04.2023*

*Item No.87*



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*Present: Sh. Ashutosh Bajpai, Counsel for the Applicant.*

*Sh. R.K. Jindal, Counsel for the respondent bank.*

*Sh. Rohit Sapra, Counsel for auction purchaser.*

*Though applicant has filed applications for amendment and impleadment of the auction purchaser, yet, I am of the view that in the facts and circumstances of the case that the same may be kept pending. Since, secured asset has already been sold, the auction purchaser is order to be impleaded as party to the present SA.*

*The secured asset has been purchased by Shri Suresh Kumar; Subhash Chand; Amit Juneja and Geeta Juneja. Mr. Rohit Sapra has put in appearance on behalf of auction purchasers.*

*Mr. Jindal has brought it to the notice of this Tribunal that applicant has issued notice to Tehsildar enclosing a copy of the orders passed by this Tribunal, wherein earlier auction had been challenged. However, applicant represented to the Tehsildar that the auction which had taken place subsequently was under challenge. He further states that applicant has also issue contempt notice to the Managing Director as well as AGM of the bank.*

*Heard on IA No.527/2022 for stay of auction notice, fixing the auction for 17.06.2022. Admittedly, in pursuance to this notice no sale took place. Accordingly, IA No.527/2022 has been rendered infructuous. The same is hereby dismissed.*

*Heard on IA No.656/2022 for preponement of case from 27.09.2022. Mr. Bajpai admits that this IA has been rendered infructuous. Accordingly, IA No.656/2022 is hereby dismissed.*

**Heard on IA No.640/2022 for stay of sale notice date 04.08.2022, fixing the auction for 14.09.2022. Admittedly, pursuance to this notice, no sale took place. Accordingly, IA No.640/2022 has been rendered infructuous. The same is hereby dismissed.**

*Heard on IA No.641/2022 for amendment of SA, challenging the auction notice dated 04.08.2022. Admittedly, no auction took place in pursuance to this sale notice. Accordingly, question of amendment does not arise and IA has been rendered infructuous. The same is hereby dismissed.*

*Heard on IA No.286/2023. Mr. Bajpai has made a statement at the bar that he does not want to pursue this IA. I order accordingly.*



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*For arguments, to come up on 21.04.2023. Till tomorrow bank would not execute the sale deed.”*

*[Emphasis supplied]*

6.1 Again, it is not disputed that the property was again put to auction for the third time vide sale notice dated 03.02.2023 and the auction was fixed for 14.03.2023. The petitioner was aware of this fact and he moved an application (Annexure R-3) seeking stay of the said auction, scheduled for 14.03.2023. It is also not disputed that in pursuance of the said application, the Tribunal has not passed any interim order, thereby staying the e-auction process which was scheduled for 14.03.2023.

6.2 In such circumstances, the act of the respondent-Bank in concluding the e-auction proceedings in pursuance of the subsequent sale notice dated 03.02.2023 was not in violation of any order passed by the Tribunal. Even otherwise, the main SA filed by the petitioner under Section 17 of the SARFAESI Act against the respondent-Bank stands dismissed by the Tribunal vide order dated 01.07.2023 (Annexure R-5). The interim order has merged into the final order.

7. In view of the above facts and circumstances, no further indulgence in the matter is called for under the provisions of Sections 10 & 12 of the Act.

8. Consequently, present petition stands dismissed.

9. Pending miscellaneous applications, if any, shall stand disposed of.

**22.09.2025**

*atulsethi*

**[HARPREET KAUR JEEWAN]  
JUDGE**

Whether speaking / reasoned :

Yes No

Whether Reportable :

Yes No