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IN THE HON'BLE COURT OF THE CHIEF JUDICIAL MAGISTRATE/DM: ALWAR

IN RE: APPLICATION NO. 15/53/2023 OF 2023  
13/03/2023

IN THE MATTER OF:

Punjab National Bank

Versus

..... Applicant Bank

M/s Rohan Industries & Ors.

.....Respondent(s)

APPLICATION FOR OBTAINING ORDERS U/S 14 OF THE SECURITISATION AND  
RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY  
INTEREST ACT, 2002

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Place: Alwar

Dated: 10/03/23

Applicant Bank  
Circle Sastra Centre Alwar  
PUNJAB NATIONAL BANK



  
Authorized Officer

Authorized Officer

Punjab National Bank

फर्द अहकाम  
(नियम 26)

नाम अदालत जिला कलक्टर अलवर मुकाम अलवर  
 उनवान पंजाब बैंक बनाम मै0 रोहन इंडस्ट्रीज वगै0  
 किस्म मुकदमा प्रार्थना पत्र अन्तर्गत धारा 14 सरफैसी एक्ट 2023  
 दा0 नम्बर 15/5...सन् 2022 दा0दि0 13.03.2023

तारीख हुकम	हुकम की कार्यवाही मय इनिशियल्स जज	नम्बर य तारीख अहकाम जो इस हुकम की तागील में जारी हुए
10.03.2023	<p>आज यह पत्रावली जरिये वकील हमारे समक्ष पेश हुई। बैंक के प्राधिकृत अधिकारी उपस्थित। प्रार्थना पत्र दर्ज रजिस्टर हो। वास्ते सुनवाई पत्रावली दिनांक 17.04.2023 को पेश हो।</p> <p style="text-align: center;"> जिला कलक्टर अलवर</p> <p>17/04/23</p> <p><i>(Handwritten notes in Hindi, partially illegible)</i></p> <p style="text-align: right;"> जिला कलक्टर अलवर (राज०)</p>	<p>Not here</p> <p><i>(Handwritten signature)</i></p> <p>17/04/23</p>



1

**APPLICATION BEFORE CHIEF JUDICIAL MAGISTRATE/DM, ALWAR**

**IN THE MATTER OF**

**Punjab National Bank  
Circle Sastra Department, Circle Office, Harshil Tower 29  
Naru Marg, Alwar (Rajasthan) - 301001**

Applicatio  
SARFARSI

.....Applicant Bank

**Versus**

- 1. M/s Rohan Industries (Borrower)**  
R/o: G-1-556, MIA, Alwar & F-136, MIA, Alwar (Raj) – 301001
  - 2. Mr. Arvind Lawania S/o Mr. Satya Bhan Singh (Partner cum Guarantor)**  
R/o: A-86, Hasan Khan, Mewat Nagar, Alwar (Raj) – 301001  
  
Also at: F-136, MIA, Alwar (Raj) – 301001
  - 3. Mrs. Arti Bhardwaj D/o Mr. Surya Kant Bhardwaj (Partner cum Guarantor)**  
R/o: 83, Lajpat Nagar, Scheme no.2, Alwar (Raj) – 301001  
  
Also at: F-136, MIA, Alwar (Raj) – 301001
  - 4. Mrs. Jyoti Bhardwaj W/o Mr. Arvind Lawania (Guarantor)**  
R/o: A-86, Hasan Khan, Mewat Nagar, Alwar (Raj) – 301001
  - 5. Mr. Surya Kant Bhardwaj S/o Mr. Ramjilal Bhardwaj (Guarantor)**  
R/o: 83, Lajpat Nagar, Scheme no.2, Alwar (Raj) – 301001
- ..... Respondent/s

**Application on behalf of Secured Creditor/ Bank for taking action in terms of Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.**

Name of the Borrower/Partner	<b>1. M/s Rohan Industries 2. Mr. Arvind Lawania S/o Mr. Satya Bhan Singh 3. Mrs. Arti Bhardwaj D/o Mr. Surya Kant Bhardwaj</b>
Addresses	<b>At: G-1-556, MIA, Alwar &amp; F-136, MIA, Alwar (Raj) – 301001 Also at: A-86, Hasan Khan, Mewat Nagar, Alwar (Raj) – 301001 Also at: F-136, MIA, Alwar (Raj) – 301001 Also at: 83, Lajpat Nagar, Scheme no.2, Alwar (Raj) – 301001</b>
Guarantors	<b>1. Mr. Arvind Lawania S/o Mr. Satya Bhan Singh 2. Mrs. Arti Bhardwaj D/o Mr. Surya Kant Bhardwaj 3. Mrs. Jyoti Bhardwaj W/o Mr. Arvind Lawania 4. Mr. Surya Kant Bhardwaj S/o Mr. Ramjilal Bhardwaj</b>
Security(ies)	<b>1. Hypothecation of all the raw-material, stocks in process and finished goods pertaining to the concern lying in the go-downs/factory of the concern along with book debts, other current assets (present &amp; future) 2. Industrial Land and Building at G-1/556 MIA, Alwar – 301001 in the name of M/s Rohan Industries Area measuring 1010 Sq. Mtrs.</b>

	<p>3. Industrial Land and Building at F-136 MIA, Alwar – 301001 in the name of M/s Rohan Industries Area measuring 1950 Sq Mtrs</p> <p>4. Residential property situated at Plot no. A-151 Vaishali Nagar, Alwar – 301001 in the name of Mr. Arvind Singh Lawaniya Area measuring 272.22 Sq. Yds. Area measuring 272.22 Sq Yds.</p> <p>5. Residential House situated at A-86 HKM Nagar, Alwar – 301001 in the name of Mr. Arvind Singh Lawaniya &amp; Mrs. Jyoti Bhardwaj* Area measuring 272.22 Sq. Yds.</p> <p>6. Residential Flat no. I-103, "I" Block, 2<sup>nd</sup> Floor, Arawali residency, Plot no. 113/1A Khasra no. 123, Village Khudanpuri, Mannaka Road, Alwar – 301001 in the name of Mr. Arvind Singh Lawaniya Area measuring 1100 Sq. Ft.</p> <p>7. Residential Flat situated at Plot no. 113/1, "J" Block, Khasra no. 123 s+3 (Three units i.e., J101/J102/J103), Arawali residency, Village Khudanpuri, Mannaka Road, Alwar – 301001 in the name of Mr. Arvind Singh Lawaniya Area measuring 1200 Sq Ft. each</p>
*	<p>IP mentioned at Sr. No. 5 in the above-mentioned security is also mortgaged in Home Loan sanctioned in the name of Mr. Arvind Singh Lawaniya &amp; Mrs. Jyoti Bhardwaj with present o/s of Rs. 9751378.65 only as on 31.10.2022</p>
Amount	<p>Outstanding as on 10/11/2022 is <b>Rs. 9,19,07,795.12/- (Rupees Nine Crore Nineteen Lakh Seven Thousand Seven Hundred Ninety Five and Paise Twelve Only)</b> with future interest and incidental charges at the time of final payment w.e.f. 11/11/2022, Less credits, if any.</p>

MR. SATISH KUMAR JAIN being the Authorised Officer of Punjab National Bank, Circle Sastra Department, Circle Office, Harshil Tower 29, Naru Marg, Alwar (Rajasthan) – 301001 (hereinafter referred to as The BANK), having been authorized to exercise the powers of the secured creditors under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (the SARFAESI Act) most respectfully submits as under:-

1. The Bank has extended the following credit facilities, at their request, to:
- (1) M/s Rohan Industries (Borrower)
  - (2) Mr. Arvind Lawania S/o Mr. Satya Bhan Singh (Partner cum Guarantor)
  - (3) Mrs. Arti Bhardwaj D/o Mr. Surya Kant Bhardwaj (Partner cum Guarantor)
  - (4) Mrs. Jyoti Bhardwaj W/o Mr. Arvind Lawania (Guarantor)
  - (5) Mr. Surya Kant Bhardwaj S/o Mr. Ramjilal Bhardwa (Guarantor)

(hereinafter referred to as The Borrower/Guarantor/Partner):-



Nature of Facility	Amount (In Crore)
CC Limit vide (Loan A/c no. 0977008700003447)	Rs. 4,20,00,000/-
Term Loan vide (Loan A/c no. 097700IB00014092)	Rs. 1,35,00,000/-
FITL-1 vide (Loan A/c no. 097700IB00014366)	Rs. 11,26,000/-
FITL-2 vide (Loan A/c no. 097700IB00014375)	Rs. 25,97,000/-
WCTL vide (Loan A/c no. 097700IB00014384)	Rs. 2,00,00,000/-
WCTL 1 vide (Loan A/c no. 097700IL00000150)	Rs. 1,04,70,000/-
WCTL 2 vide (Loan A/c no. 097700IL00000451)	Rs. 52,35,000/-
<b>Total:</b>	<b>Rs. 9,49,28,000/-</b>

2. The Bank was provided with a property as a collateral security by way of equitable mortgage of -

1. Hypothecation of all the raw-material, stocks in process and finished goods pertaining to the concern lying in the go-downs/factory of the concern along with book debts, other current assets (present & future)
2. Industrial Land and Building at G-1/556 MIA, Alwar – 301001 in the name of M/s Rohan Industries Area measuring 1010 Sq. Mtrs.
3. Industrial Land and Building at F-136 MIA, Alwar – 301001 in the name of M/s Rohan Industries Area measuring 1950 Sq Mtrs
4. Residential property situated at Plot no. A-151 Vaishali Nagar, Alwar – 301001 in the name of Mr. Arvind Singh Lawaniya Area measuring 272.22 Sq. Yds. Area measuring 272.22 Sq Yds.
5. Residential House situated at A-86 HKM Nagar, Alwar – 301001 in the name of Mr. Arvind Singh Lawaniya & Mrs. Jyoti Bhardwaj\* Area measuring 272.22 Sq. Yds.
6. Residential Flat no. I-103, "I" Block, 2<sup>nd</sup> Floor, Arawali residency, Plot no. 113/1A Khasra no. 123, Village Khudanpuri, Mannaka Road, Alwar – 301001 in the name of Mr. Arvind Singh Lawaniya Area measuring 1100 Sq. Ft.
7. Residential Flat situated at Plot no. 113/1, "J" Block, Khasra no. 123 s+3 (Three units i.e., J101/J102/J103), Arawali residency, Village Khudanpuri, Mannaka Road, Alwar – 301001 in the name of Mr. Arvind Singh Lawaniya Area measuring 1200 Sq Ft. each (Hereinafter referred to as The Secured Assets).

3. The borrower/guarantor/partner has executed various agreements with deposit of original Sale deeds of the SECURED ASSET and duly recorded recital in the books of the bank to secure the loan/ credit facilities to the borrower.

4. That on account of defaults committed by the borrower in the payment of interest and principal amounts due and payable to Bank, the account of the borrower has been classified as non-performing asset as per the guidelines issued by The Reserve Bank of India on 25.10.2022 .

5. The bank issued **Demand notice** for recovery of dues **10.11.2022**, as per provisions of section 13 (2) of the Act, whereby requiring the borrower / guarantor to repay the amount due to the bank within 60 days of the notice, which was duly served upon them.

6. The borrower/guarantor have failed to discharge its liability even after expiry of

(4)

stipulated 60 days period.

7. The Act has been duly passed by the Parliament of India and assent granted by The Hon'ble President of India w.e.f. 21.06.2002.

8. The Act empowered the bank being the secured creditor to take various steps including take possession of secured assets of the borrower and or the guarantors after 60 days of issue of notice under section 13 (4) of the said act.

9. The act also empowered the bank (Secured creditor) to appoint any person to take possession and to manage the secured assets including immovable or moveable property.

10. Pursuant to the powers conferred by the said act the bank has decided to take the physical possession and control of the said assets for the purpose of realization of the assets under sub section (4) of the section 13 of the SARFAESI Act to enable us to bring the property to sale and effect transfer of the same to the successful purchaser.

11. That in view of the facts and circumstances state herein above and for purpose of securing compliance with the provisions of Section 13 of the said Act, the applicant craves leave of this Hon'ble Court to take or cause to be taken such steps and issue any appropriate directions, orders etc., to any authority or official and use or cause to be used, such force, as may be necessary in order to provide physical possession of the secured asset(s). **It is, therefore, respectfully prayed before this court:**

**a. To take or cause to be taken such steps and issue any appropriate directions, orders etc., to any authority or official or cause to be used, such force, as may be necessary in order to provide physical possession of the secured asset.**

**b. In case the property is found locked, necessary orders may be issued to break open the locks and take necessary steps thereafter.**

**c. Any other or further order may be issued in facts and circumstances as stated herein above to protect the interest of the certificate holder bank.**

**It is prayed accordingly.**

**Section 14 of the Said Act, lays down: "Chief Metropolitan Magistrate or District Magistrate to assist secured creditor in taking possession of secured asset.-** (1)


Where the possession of any secured asset is required to be taken by the secured creditor or if any of the secured asset is required to be sold or transferred by the secured creditor under the provisions of this Act, the secured creditor may, for the purpose of taking possession or control of any such secured asset, request, in writing, the Chief Metropolitan Magistrate or the District Magistrate within whose jurisdiction any such secured asset or other documents relating thereto may be situated or found, to take possession thereof, and the Chief Metropolitan Magistrate or, as the case may be, the District Magistrate **shall**, on such request being made to him-

(a) take possession of such asset and documents relating thereto; and

(b) forward such asset and documents to the secured creditor.

(2) For the purpose of securing compliance with the provisions of sub-section (1), the Chief Metropolitan Magistrate or the District Magistrate may take or cause to be taken such steps and use, or cause to be used, such force, as may, in his opinion, be necessary.

(3) No act of the Chief Metropolitan Magistrate or the District Magistrate done in pursuance of this section shall be called in question in any court or before any authority.



As per latest amendment in The Enforcement of Security Interest and Recovery of Debt Laws and Miscellaneous Provisions (Amendment) Act, 2016 (no 44 of 2016), in Section 14(1)(b) of SARFAESI Act, the District Magistrate or the Chief Metropolitan Magistrate, as the case may be, shall after satisfying the contents of the affidavit pass suitable orders for the purpose of taking possession of the secured assets within a period of 30 days from the date of application. Provided further that if no order is passed by CMM or DM within the said period of 30 days for reasons beyond his control, he may, after recording reasons in writing for the same, pass the orders within such further period but not exceeding in aggregate 60 days."

**Secondly, para no. 85 of Bombay High Court Judgement in case of M/s Tradewell & Others V/s Indian Bank in Cr WP no. 2767 of 2006 clearly lays down as follows:-**

"In our opinion, at the time of passing order under section 14 of the NPA Act, the CMM/DM will have to consider only two aspects. He must find out whether the secured asset falls within his territorial jurisdiction and whether notice under section 13(2) of NPA Act is given or not. No adjudication of any kind is contemplated at that stage."

**Para 90 lays down as follows:-**

"CMM/DM acting under section 14 of the NPA Act is not required to give notice either to the borrower or to the 3rd party. He has to only verify from the bank or financial institution.

whether notice under section 13(2) of the SARFAESI Act is given or not and whether the secured assets fall within his jurisdiction. There is no adjudication of any kind at that stage. It is only if the above conditions are not fulfilled that the CMM/DM can refuse to pass an order under section 14 of the NPA Act by recording that the above conditions are not fulfilled. If these two conditions are fulfilled, he cannot refuse to pass an order under section 14."

We are producing herewith following documents for your necessary action:

- 1. Copy of Notice issued under section 13 (2) of the said act
- 2. Copy of Possession notice.
- 3. Copy of the sale deed of the secured asset.
- 4. Copy of the Loan documents.

Verified at Alwar on this 10th day of March, 2023 that the contents of Application are true and correct based on the records maintained by the applicant bank and nothing material has been concealed there from.

**Circle Sastra Centre, Alwar  
PUNJAB NATIONAL BANK**

*[Signature]*  
**Authorized Officer**

**(AUTHORISED OFFICER)**



7

measuring 272.22 Sq. Yds.

6. Residential Flat no. I-103, "I" Block, 2<sup>nd</sup> Floor, Arawali residency, Plot no. 113/1A Khasra no. 123, Village Khudanpuri, Mannaka Road, Alwar – 301001 in the name of Mr. Arvind Singh Lawaniya Area measuring 1100 Sq. Ft.

7. Residential Flat situated at Plot no. 113/1, "J" Block, Khasra no. 123 s+3 (Three units i.e., J101/J102/J103), Arawali residency, Village Khudanpuri, Mannaka Road, Alwar – 301001 in the name of Mr. Arvind Singh Lawaniya Area measuring 1200 Sq. Ft. each

5. That the borrower has committed default in repayment of the financial assistance granted aggregating the specified amount.

6. That consequent upon such default in repayment of the financial assistance the account of the borrower has been classified as a non- performing asset.

7. That the period of sixty days' notice as required by the provisions of sub-section (2) of section 13, demanding payment of the defaulted financial assistance has been duly served on the borrower and so compliance of Rule 3 of Rules pertaining to the said act was also made out before taking physical possession of the property. We went to take physical possession but to maintain law and order we could not have done the same without the help of DM/CMM u/s 14 of the Act.

8. That the borrower has given reply/objection against the Demand notice u/s 13(2) of dated 10.11.2022 u/s 13(3A) on 27.12.2022.

9. That the secured creditor has given Reply to objection u/s 13(3A) of SARFAESI ACT 2002 on 10.01.2023.

10. That the borrower not made entire repayment of the financial assistance in spite of the above notice and the Authorised Officer is, therefore, entitled to take possession of the secured assets under the provisions of sub-section (4) of section 13 read with section 14 of the principal Act;

11. That the provisions of this Act and the rules made thereunder had been complied with.

12. I state that the accompanying application for taking action in terms of section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is being drafted and filed on behalf of the applicant bank and the contents of the same are true and correct to the best of my knowledge and belief and procedures under the said act have been complied with.

13. That no stay has been granted in favour of borrower, against the secured creditor by any competent court. As per records of the bank, the said property is neither subject to any attachment nor subject matter of injunction by any Court/Tribunal.

14. That the borrower not made any repayment of the financial assistance in spite of the above notice and the Authorised Officer is, therefore, entitled to take possession of the secured assets under the provisions of sub-section (4) of section 13 read with section 14 of the principal Act.

Circle Sastra Centre, Alwar  
PUNJAB NATIONAL BANK  
ADDITIONAL OFFICER

**VERIFICATION**

Verified at ALWAR on this 1st day of March, 2023 that the contents of Application are true and correct based on the records maintained by the applicant bank and nothing material has been concealed there from.

Presented and sworn by Shri Satish Kumar Jany  
 S/o Shri Nary Prasad Jany  
 District Alwar (Rajasthan) Identified by Shri Jayant Jany  
 R/o Alwar The Contents were read  
 over to him and limited to be covered hence attested  
 Date 10/2/23 Sr. No. 8/120/23  
 \_\_\_\_\_  
 Sr. Commissioner  
 Alwar (Raj.)

Circle Sastra Centre, Alwar  
PUNJAB NATIONAL BANK

Authorized Officer  
DEPONENT

R. S.

12

12 शीका मे

मायलय जिला कलक्टर महोदय अलवर राय

पत्रावली वापसी हेतु प्रार्थना का

श्री मानजी,

निवेदन यह है कि हम आपके समक्ष दिए गए पत्रावली का  
द्वारा 14 सरकारी रुपर अंतर्गत से वापसी लेना चाहते हैं जिसका  
बिबल निम्न प्रकार प्रस्तुत है -

1.) Punjab National Bank vs. MIS Rehan Industries & Co.

सुनवाई तिथि - 17/04/2023.

Date - 17/04/23

Place - Alwar

प्राधी

ADVOCATE

Jayant Roy

9466781798

