

Sr. No. 15

Regular

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 2429/2023

c/w

WP(C) 982/2021

and other connected writ petitions

M/s Hotel Alpine Ridge & Ors.

...Petitioner(s)/appellant(s)

Through: Mr. Arif Sikandar, Adv. In WP(C) No. 2429/2023
Mr. Altaf Haqani, Sr. Adv with
Mr. Shakkir Haqani, in WP(C) No. 168/2022
Mr. Danish Majid Dar, Adv with
Ms. Ahra Syed, Adv in WP(C) 2232/2023 & WP(C)
2468/2023.
Mr. Syed Faisal Qadri, Sr. Adv with
Mr. Huzaif Ashraf, Adv in WP(C) 2367/2023
Mr Mohammad Yawar Hussain, Adv in WP(C) 2956/2023
Mr. N. A. Kouchai, Advocate in WP(C) 2816/2023
Mr. F. A. Wani, Adv in CM(M) 215/2023
Mr. Nissar Ahmad, Advocate in WP (C) No.2817/2023
Mr. Tariq M. Shah, Advocate in WP (C) No.2776/2023
Mr. Danish Majid, Advocate in WP (C) No.2232/2023
Mr. Shuja Ul Haq, Advocate in WP (C) No. 2250/2023
Mr. Ahra Syed, Advocate in WP (C) No.2325/2023
Ms. Sabeena Navood, Advocate in WP (C) No.2353/2023
Mr. Tawheed Ahmad, Advocate in WP (C) No.2725/2023
Mr. Gulzar Ahmad Bhat, Advocate in WP (C) No. 1514/2023
Mr. Mohammad Younis, Advocate for (Punjab National
Bank)

Vs.

Union of India & Ors.

...Respondent(s)

Through: Ms. Rehana, Adv vice
Mr. T. M. Shamsi, DSGI.
M/s. Syed Arsalan Abid, Abubakr Pandit, Prateck Keitan,

Advocates in WP (C) Nos.168/2022, 2816/2023, 1982/2021, 2014/2023, 2468/2023, 2633/2023, 2817/2023 and WP (C) No.1564/2023 and WP (C) No.2232/2023

Mr. Shafgat Nazir, Advocate in WP (C) Nos. 2014/2023, 2633/2023 and 1564/2023.

Mr. Adil Asimi, Advocate in WP (C) No.2776/2023

Mr. N.A. Dendroo, Advocate in WP (C) No.2782/2023

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE M. A. CHOWDHARY, JUDGE

ORDER

27.12.2023

WP(C) No. 2429//2023

Mr. Arif Sikandar, Adv for petitioner.

Mr. Syed Arsalan, Adv for respondent.

Interim direction, if any, to continue till next date of hearing.

WP(C) No. 1982/2021

Ms. Asma Rashid, Adv for Petitioners

Mr. Syed Arsalan, Adv for Respondents.

Interim direction, if any, to continue till next date of hearing, subject to deposit of a sum of Rs. 5.00 lacs, with the respondent-Bank.

WP(C) No. 168/2022

Mr. Altaf Haqani, Sr. Adv with

Mr. Shakir Haqani, Adv.

Interim direction, if any, to continue till next date of hearing.

CCP(D) No. 57/2023

Mr. I. Sofi, Adv for petitioners.

None for respondents.

Ms. Urba, learned counsel had appeared for the respondents vice Mr. M. Y. Bhat learned Senior counsel on 18.12.2023, who was directed to take instructions in the matter as to whether the Order dated 22.11.2023, passed by this Court, wherein, respondents were directed not to take any coercive action against the petitioner as alleged by the petitioner had been complied with. However, no one appears for the respondents today.

Under the circumstances, let, Respondent No. 1- Ab Majeed, Managing Director Baramulah Central Cooperative Bank Ltd, Head Office Baramulah, be present on the next date.

Registry is directed to convey this Order to respondent No. 1.

CM(M) 215/2023

Mr. F. A. Wani, Adv for petitioner

Mr. Syed Arsalan, Adv for respondents.

Interim direction to continue till next date of hearing, subject to deposit of Rs. 10.00 lacs with the respondent-Bank.

WP(C) No. 1204/2023

Ms. Ahra Syed, Adv vice

Mr. Zaffar Qadri, Adv for petitioners.

Mr. N. A. Dandroo, Adv for respondents.

Interim direction to continue till next date of hearing, subject to deposit of Rs. 5.00 lacs with the respondent-Bank.

WP(C) No. 1351/2023

Mr. I. Sofi, Adv for Petitioner.

None for respondents.

There is no representation on behalf of the respondents.

Interim direction to continue till next date of hearing.

WP(C) No. 1514/2023

Mr. Gulzar Ahmad Bhat, Adv for Petitioner

Mr. Sajad Ashraf, GA for R-1 o 4.

Mr. Syed Arsalan, Adv for R-5.

, by the next date of hearing.

Interim direction to continue till next date of hearing, subject to deposit Rs. 10.00 lacs with the respondent Bank

WP(C) No. 1564/2023

Mr. Q. R. Shamas, Adv for petitioner

None for respondents.

Interim direction, if any, to continue till next date of hearing.

WP(C) No. 2232/2023

Mr. Danish Majid Dar, Adv for petitioner

Mr. Syed Arsalan, Adv and

Ms. Tania, Adv for Respondents.

Earlier interim is modified to the extent that the petitioner will deposit Rs. 10.00 lacs with the respondent-Bank, by the next date of hearing.

WP(C) No. 2250/2023

None present for the parties.

Interim direction, if any, to continue till next date of hearing.

WP(C) No. 2325//2023

*Mr. Danish Majeed Dar, Adv &
Ms. Ahra Syed, Adv for petitioner
Mr. Syed Arsalan, Adv for respondents.*

Learned counsel for the petitioner submits that the OTS had already been entered into with the Bank and he had paid Rs. 10.00 lacs also. However, if the petitioner had not paid the said amount, he shall pay Rs. 10.00 lacs by the next date of hearing, and subject to this condition, interim direction to continue till next date of hearing.

WP(C) No. 2353//2023

None for the parties.

Interim direction, if any, to continue till next date of hearing.

WP(C) No. 2367/2023

*Mr. Syed Faisal Qadir, Sr. Adv for petitioner
Mr. Syed. Arsalan, Adv for respondents.*

Interim direction, if any, to continue till next date of hearing.

WP(C) No. 2468//2023

*Mr. Danish Majid Dar, Adv for petitioners
Mr. Syed Arsalan, Adv for respondents.*

Interim direction, if any, to continue till next date of hearing.

WP(C) No. 2481//2023

*Mr. Ahmad Javid, Adv for petitioner.
None for respondents.*

Interim direction, if any, to continue till next date of hearing.

WP(C) No. 2725/2023

*None for the petitioner.
Mr. Syed Arsalan, Adv for respondents.*

Interim direction, if any, to continue till next date of hearing, subject to deposit Rs. 10.00 lacs before next date of hearing.

WP(C) No. 2776//2023

*Mr. Tariq. M. Shah, Adv for petitioner.
Mr. Adil Asimi, Adv for respondents.*

Interim direction to continue till next date of hearing, subject to deposit Rs. 5.00 lacs by the next date of hearing

WP(C) No. 2782//2023

Mr. F.A. Wani, Adv for petitioner.
Mr. N. A. Dandroo, Adv for respondents.

Interim direction to continue till next date of hearing, subject to deposit Rs. 1.00 lac with the respondent Bank, by the next date of hearing.

WP(C) No. 2816//2023

Mr. N. A. Kouchai, Adv for petitioner.
Mr. Syed Arsalan, Adv for respondents.

Interim direction, if any, to continue till next date of hearing, subject to deposit Rs. 10.00 lacs with the respondent Bank, by the next date of hearing.

WP(C) No. 2817//2023

Mr. Nisar Ahmad, Adv for petitioner.
Mr. Syed Arsalan, Adv for respondent.

Interim direction, if any, to continue till next date of hearing, subject to deposit Rs. 5.00 lacs with the respondent Bank, by the next date of hearing.

WP(C) No. 2874//2023

Mr. M. A. Rathore, Adv for petitioner.
None for respondents.

Interim direction, if any, to continue till next date of hearing.

WP(C) No. 2956//2023

Mr. Mohammad Yawar, Adv for petitioner.
Ms. Rehana Qayoom, Adv vice
Mr. T. M. Shamsi, DSGI, for respondents.

Interim direction, if any, to continue till next date of hearing.

WP(C) No. 3053//2023

Mr. S. A. Makroo, Sr. Adv for petitioner.
Mr. Syed Arsalan, Adv for respondents.

Mr. S. A. Makroo, learned Senior counsel for the petitioner submits that the matter has been decided by the DRT vide Order dated 04.09.2023, and had been disposed of on the basis of statement made by the learned counsel for the parties that the Bank is not having in its possession proof of

service of notice issued under Section 13(2) of the Act and, it has been mentioned in the Order that, Mr. Gaurav Thakur, learned counsel for the respondent-Bank, that Bank would issue fresh notice under Section 13(2). In view of this, the SA No. 129/2023 stood disposed of with liberty to the parties as per rules.

Before issuance of notice by the Bank under section 13(2) of the SARFEASI Act, in terms of OTS proposal by the petitioner the petitioner had already deposited Rs. 8.00 lacs on 08.09.2023.

Interim direction to continue till next date of hearing.

WP(C) No. 3054//2023

Mr. Salim Gupkari, Adv for petitioner.

Mr. Syed Arsalan, Adv for respondents.

Interim direction, if any, to continue till next date of hearing.

WP(C) No. 3063//2023

Mr. Mian Tufail, Adv for petitioner.

Mr. J. J. Singh, Adv for respondents.

Interim direction to continue till next date of hearing, subject to deposit Rs. 1.00 lac by the next date of hearing.

WP(C) No. 3112//2023

Mr. R. A. Jan, Sr. Adv

with Mr. Shariq, Adv, for petitioner.

Mr. Syed Arsalan, Adv for respondents.

Interim direction to continue till next date of hearing, subject to deposit Rs. 10.00 lacs by the next date of hearing.

WP(C) No. 3353//2023

Mr. Arif Sikandar, Adv for petitioner.

Ms. Rehana Qayoom, Adv vice

Mr. T. M. Shamsi, DSGI &

Mr. Q. R. Shamas, Adv, for respondents.

Interim direction to continue till next date of hearing, subject to deposit Rs. 10.00 lacs by the next date of hearing.

WP(C) No. 3381//2023

Mr. Arif Sikandar, Adv for petitioner.

Mr. Syed Arsalan, Adv for respondents.

Ms. Rehana Qayoom, Adv vice

Mr. T. M. Shamsi, DSGI for respondents.

Petitioner to deposit Rs. 10.00 lacs by the next date of hearing. However, it has been submitted by learned counsel for the petitioner that he had paid Rs. 10.00 lacs towards the Bank, today only. If that is so, he may not be required to pay Rs. 10.00 lacs by the next date of hearing.

Interim direction, if any, to continue till next date of hearing.

List along with all connected petitions on **28.02.2024**.

(M. A. CHOWDHARY)
JUDGE

(N. KOTISWAR SINGH)
CHIEF JUSTICE

SRINAGAR
27.12.2023
Hilal Ahmad

