

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 3127 OF 2023

PUNJAB NATIONAL BANK

APPELLANT(S)

VERSUS

GOVT. OF NCT OF DELHI & ORS.

RESPONDENT(S)

O R D E R

Having heard learned counsel for the parties, we are unable to subscribe to the reasoning and view of the National Green Tribunal, Principal Bench, New Delhi in the impugned judgment, which holds that the financing bank is responsible for the illegal activities in the premises, in which the borrower was conducting its business. The proposition is unacceptable, and not supportable in law.

The appellant - Punjab National Bank had stated before the National Green Tribunal that the auction purchaser, respondent no. 6 - Ram Singh Fogat, will furnish an undertaking and do business and commercial activities in accordance with law.

Recording the aforesaid, the impugned judgment and directions given therein are set aside and the appeal is allowed, permitting the appellant - Punjab National Bank to transfer the property to the auction purchaser (respondent no. 6 - Ram Singh Fogat). Seals etc., if put, can be removed by the appellant bank, and thereupon possession can be given to the auction purchaser. However, the auction purchaser will furnish an undertaking and file the same within six weeks with the Registrar of the National Green Tribunal. The auction purchaser will bound by the undertaking as noted above.

We hope that the National Green Tribunal will take note of our decision and not pass a similar order holding the bank or the financial institution responsible, without recording specific reason why in a particular case such finding is justified.

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

.....J.
(SANJIV KHANNA)

.....J.
(DIPANKAR DATTA)

NEW DELHI;
FEBRUARY 09, 2024.

ITEM NO.38

COURT NO.2

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO. 3127 OF 2023

PUNJAB NATIONAL BANK

APPELLANT(S)

VERSUS

GOVT. OF NCT OF DELHI & ORS.

RESPONDENT(S)

(IA No. 86801/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 09-02-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s)

Mr. Ajay Shankar, Adv.
Mr. Amit Sharma, AOR
Mr. Ravi Kumar, Adv.
Mr. Jitendra Kumar Tripathi, Adv.
Mr. Shashank Gaurav, Adv.

For Respondent(s)

Mr. Ashwani Kumar, AOR
Ms. Iti Sharma, Adv.
Mr. Puneet Sharma, Adv.
Mr. Anshay Dhatwalia, Adv.
Mr. Aakarsh Jha, Adv.
Mr. Gaurab Mishra, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

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

(DEEPAK GUGLANI)
AR-cum-PS(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(signed order is placed on the file)