

ITEM NO.3

COURT NO.6

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) Nos. 13625-13628/2026

[Arising out of impugned final judgment and order dated 13-05-2026 in CRMPM No. 103/2025 13-05-2026 in CRMPM No. 509/2025 13-05-2026 in CRMPM No. 579/2025 13-05-2026 in CRMPM No. 611/2025 passed by the High Court of Himachal Pradesh at Shimla]

STATE OF HIMACHAL PRADESH

Petitioner(s)

VERSUS

YUDH CHAND BAINS & ORS.

Respondent(s)

IA No. 217320/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 22-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Mr. Naveen Pahwa, Sr. Adv.
Mr. Anup Rattan, Advocate General
Mr. Vaibhav Srivastava, A.A.G.
Ms. Sugandha Anand, AOR
Mr. Chetan Anand Mohapatra, Adv.
Mr. Danish Azad, Adv.

For Respondent(s) :Mr. Siddharth Aggarwal, Sr. Adv.
Mr. Siddharth Satija, Adv.
Ms. Sowjanya Shankaran, Adv.

Ms. Vismita Diwan, Adv.
Mr. A. Karthik, AOR
Ms. Charu Sinha, Adv.
Ms. Anuka Bachawat, Adv.
Mr. Akash Sachan, Adv.
Mr. Aryan Panwar, Adv.

Mr. Karan Bharadwaj (thru Vc), Adv.
Mr. Kisalaya Shukla, AOR

Ms. Radhika Gautam, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. We heard this matter today for quite sometime.
2. We have now more than a fair idea as regards the exact accusations levelled against the respondent nos. 1 and 4, respectively (father and son), and also the accusations levelled against the respondent nos. 2 and 3, respectively (bank officials).
3. We read the first information report threadbare. Both sides have manifold contentions to raise.
4. We take notice of the fact that there are two loan accounts of the respondent no.1. As per the affidavit filed by the respondent no. 5, i.e., Kangra Central Co-operative Bank Ltd. duly affirmed by Shri Rakesh Sharma, General Manager, the position of the two loan accounts alongwith the amount due and payable as on date, i.e., 25.8.2026 is as under:-

<i>Name of A/C</i>	<i>Principal as on 25.8.2026</i>	<i>Interest as on 25.8.2026</i>	<i>Total due as on 25.8.2026</i>
<i>Hotel Lake Palace situated at vill. Nalsar Distt Mandi H.P.</i>	<i>12,02,62,071/-</i>	<i>8,53,22,156/-</i>	<i>20,55,84,227/- Plus other Charges Rs.15,74,370/-</i>
<i>Hotel Himalya Snow village: located at Manali Distt Kull H.P.</i>	<i>30,90,02,009/-</i>	<i>22,72,44,104/-</i>	<i>53,62,46,113 Plus other Charges Rs.20,07,935/-</i>

5. According to the bank as on 25.8.2026 an amount of Rs.74.54 crore is due and payable by the respondent no.1 to the bank to discharge the entire liability.

6. The bank has also provided information in its affidavit as regards the security interest created in these two loan accounts referred to above. The details are as under:-

"a. Hotel Lake Palace:

Land mortgaged for Rs 12.00 Crore [Vide mortgage deed/Vasika No 979/2016 and 1307/2020 dated 27/07/2016 and 21/12/2020].

Detail of property is as under: Immovable property bearing Khata no. 142, Khatouni no 143, Khasra No. 344/120 land measuring 03-11-09 Bighas, in Khasra No. 342/120 land measuring 00-06-13 Bighas and in khasra No. 343/120 measuring 00-01-00 Bighas (total land measuring 03-19-02 Bighas at Mohal Nalsar, Mouja Rajgarh, Tehsil Balh, Distt Mandi, H.P. in the name of Sh. Yudh Chand Bains S/O Sh. Puran Chand as per Jamabandi for the year 2011-2012.

b. Hotel Himalya Snow village:

Land mortgaged for Rs 8.00 Crore on 11.07.2017 against the loan of Rs 7.87 crore. Subsequently additional mortgage created on the same land for Rs 40.00 Crore against the loan for Rs 39.67 crore which was executed on 23.10.2017.

Total land measuring 01-99-93 Hect.as detailed below:-

1. Land measuring 01-59-43 hectares comprised in Khata no 77 min, Khatouni no 115 min, Khasra No253 as entered in Nakal Jambandi for the year 2011-12 situated in Mohal Burua, Phati Burua Kothi Manali, Distt. Kullu H.P.

2. Land measuring 00-40-50 Hects comprised in Khata no 233, Khatoni No 328,329, Khasra No 272,273 as entered in Nakal Jambandi for the year 2011-12 situated in Mohal Burua, Phati Burua Kothi Manali, Distt. Kullu H.P. in the name of Sh. Yudh Chand Bains S/o Sh Puran Chand Vide mortgage Deed/Vasika No 695/2017 dated 23/10/2017."

7. The bank in its affidavit has thereafter said about the proceedings initiated under the provisions of the SARFAESI Act. We are more than *prima facie* clear that the High Court ought not to have exercised its discretion insofar as grant of anticipatory bail to the respondents is concerned.

8. In the course of today's hearing, the learned senior counsel appearing for the respondent nos. 1 and 4, respectively submitted that his clients should be permitted to lift the material in the form of stones, steel etc. lying at the two Sites to enable him to raise the necessary finance to be paid back to the bank.

9. We have made ourselves abundantly clear that we shall not allow the respondent nos. 1 and 4, respectively to touch anything at the Site. Both the Sites shall be in complete control of the bank officials.

10. The respondent no.1 Shri Yudh Chand Bains is personally present in the Court.

11. He makes a statement that he is ready and willing to deposit the amount due and payable, referred to above, to the bank as on 25.8.2026 with future interest within a period of five months from today.

12. We are inclined to grant this indulgence as sought for keeping in mind the interest of the bank. If the bank is getting back its dues with interest the same will be in public interest.

13. However, we have made ourselves clear that the respondent no.1 shall file an undertaking in writing on oath that he shall make this payment within a period of five months from today, failing which we shall close this matter and proceed to pass an appropriate order on merits.

14. We direct the respondent no.1 to file appropriate undertaking on oath by tomorrow, i.e., 23.9.2026. One copy each of the undertaking shall be furnished to the learned senior counsel appearing for the State, and one copy to the

learned counsel appearing for the bank.

15. If the respondent nos. 1 and 4, respectively have passports, the two passports shall be surrendered at the earliest before the Investigating Officer.

16. Post this matter tomorrow, i.e., 23.9.2026 to report whether the undertaking has been filed or not.

17. The matter is treated as Part Heard.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)