



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

CWP-26682-2025

Date of decision : 08.09.2025

Sanjeev Kumar Nanchahil

.....Petitioner

Versus

Union Bank of India

.....Respondent

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

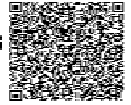
Present: Mr. Atul Goyal, Advocate,
for the petitioner.

Mr. Gaurav Goel, Advocate,
for the respondent – Bank.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. This is second round of litigation initiated by the borrower after exhausting earlier one in the shape of CWP No. 1646 of 2024, where challenge was made to notice dated 17.11.2023 (Annexure P-1) issued u/s 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, "SARFAESI Act"), when notice u/s 13 (4) was not issued by the respondent Bank. The said petition (CWP No. 1646 of 2024) was disposed of by Co-ordinate Bench vide order dated 23.05.2024 (Annexure P-4) with liberty to the petitioner – borrower to avail alternative remedies available under SARFAESI Act after issuance of notice u/s 13 (4).

2. It has been brought to our notice that immediately on issuance of notice dated 04.01.2025 u/s 13 (4) of SARFAESI Act vide Annexure P-5,



petitioner – borrower approached Debts Recovery Tribunal – III, Chandigarh, by filing SA/50/2025, titled “Sanjeev Kumar Nanchahil and another Vs. Union Bank of India”, which is pending adjudication till date.

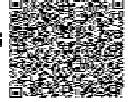
2.1 Petitioner has approached this Court by way of this petition, despite availing statutory remedy u/s 17 of SARFAESI Act in the shape of SA/50/2025.

3. Learned counsel for petitioner has made an offer of OTS, to which learned counsel for respondent Bank submits that same was considered earlier and rejected by respondent Bank vide letter dated 26.08.2025 (Annexure P-10) and better proposal was invited from petitioner – borrower.

4. We are of the considered view that when petitioner – borrower has already availed statutory remedy by filing SA/50/2025, which is pending consideration, then entertaining this petition would be going against various verdicts of the Apex Court, which on occasions more than one has come down heavily on High Courts exercising the power of judicial review in SARFAESI matters [see *Phoenix Arc Private Limited Vs. Vishwa Bharati Vidya Mandir and others*, (2022) 5 SCC 345; *G. Vikram Kumar Vs. State Bank of Hyderabad and others*, (2023) 14 SCC 159].

4.1 It is relevant to point out that subject-matter of settlement of loan account is contained in Chapter II of SARFAESI Act, which precedes Chapter III pertaining to recovery proceedings.

5. We are of the view that once the stage of settlement has gone by and the stage of recovery is underway, where recourses available u/s 13 (4) of SARFAESI Act are being invoked, the clock cannot be put back and the only remedy available to the borrower is to challenge legality and validity of the



recourses initiated by the Bank u/s 13 (4), which the petitioner has already done in the shape of SA/50/2025.

5.1 The offer, which has been made by the respondent Bank to the petitioner – borrower vide letter dated 26.08.2025 (Annexure P-10), is always open to be availed, provided the respondent Bank agrees to the same.

6. In view of above, this Court declines interference.

7. Accordingly, the petition stands disposed of without commenting on merits.

7.1 However, petitioner is at liberty to pursue SA/50/2025 pending before DRT – III, Chandigarh.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

September 08, 2025
narotam

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No